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CHAPTER 1—DIPLOMATIC AND CONSULAR SERVICE GENERALLY

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13. Transferred.
14 to 23j. Repealed.
23k, 23l. Transferred.
24. Repealed.
31 to 40. Repealed.
41. Transferred.
51, 51a. Repealed.
52. Omitted.
53. Transferred.
54. Omitted.
55 to 58. Repealed.
71. Repealed.
72 to 79. Transferred.
80 to 82. Repealed.
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99. General duty to account for fees.
100 to 104. Transferred.
105 to 109. Repealed.
121 to 126. Repealed.
127, 128. Transferred.
129 to 130b. Repealed.
131. Transferred.
132 to 134. Repealed.
135, 136. Transferred.

Revision of Laws

Congress by the enactment of the Foreign Service Act of 1946, act Aug. 13, 1946, ch. 957, 60 Stat. 999, set out as section 801 et seq. of this title, consolidated and revised the laws relating to the administration of the Foreign Service.

Proclamations Respecting War and Neutrality

See notes preceding section 1 of Title 50, Appendix, War and National Defense.

§§ 1 to 7. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131(32) to (37), (49), (66), 60 Stat. 1037

Section 1, act May 24, 1924, ch. 182, § 8, formerly § 1, 43 Stat. 140, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1207, related to the establishment of the Foreign Service, and is covered by section 801 of this title.

Section 1a, act May 3, 1945, ch. 105, § 1, 59 Stat. 102, related to Congressional declaration of purpose, and is covered by section 801 of this title.

Section 2, Act May 24, 1924, ch. 182, § 9, formerly § 2, 43 Stat. 140, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1207, related to definition of a Foreign Service officer and assignment to duty generally, and is covered by sections 801 and 909 of this title.

Section 3, act May 24, 1924, ch. 182, § 10, formerly § 3, 43 Stat. 140, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1207; Apr. 24, 1939, ch. 84, § 2, 53 Stat. 583; May 3, 1945, ch. 105, §§ 4, 5, 59 Stat. 102, 103, related to grading, classification, and compensation of officers, and is covered by sections 861 to 870 of this title.

Section 3a, act May 24, 1924, ch. 182, § 33, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1215, and amended Apr. 24, 1939, ch. 84, § 4, 53 Stat. 588, related to salary increases, and is covered by section 995 of this title.

Section 4, act May 24, 1924, ch. 182, § 11, formerly § 4, 43 Stat. 140, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1215; June 29, 1935, ch. 337, 49 Stat. 436, related to appointment and commission of officers, and is covered by sections 906 and 907 of this title.

Section 5, act May 24, 1924, ch. 182, § 12, formerly § 5, 43 Stat. 141, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1208, related to examination and appointment on probation of officers, and is covered by sections 911 and 912 of this title.

Section 6, act May 24, 1924, ch. 182, § 12, formerly § 5, 43 Stat. 141, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1208, related to appointment to a class and not to a particular post, and is covered by section 906 of this title.

Section 7, act May 24, 1924, ch. 182, § 14, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1208, and amended May 3, 1945, ch. 105, § 6, 59 Stat. 103, related to reports and recommendations for promotions, and is covered by section 993 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§ 8. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 645

Section, act May 24, 1924, ch. 182, § 7, 43 Stat. 141, related to recommissioning diplomatic and consular officers on July 1, 1924.

§ 9. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131 (25), 60 Stat. 1037

Section, acts Apr. 5, 1906, ch. 1366, § 4, 34 Stat. 100; May 24, 1924, ch. 182, § 17, formerly § 10, 43 Stat. 142, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1209, related to the inspection of diplomatic and consular offices, and is covered by section 1036 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of section effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§ 10. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 645

Section, act May 24, 1924, ch. 182, § 14, formerly § 8, 43 Stat. 142, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1208, abolished the grade of consular assistant and provided against a reduction of the salaries of certain consuls.

§§ 11, 12. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131(38), (39), 60 Stat. 1038

Section 11, R.S. §§ 1697, 1698, as amended acts Dec. 21, 1898, ch. 36, §§ 1, 2, 30 Stat. 770, 771; May 24, 1924, ch. 182, § 16, formerly § 9, 43 Stat. 142, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1208; May 3, 1945, ch. 105, § 7, 59 Stat. 103, related to bonds of officers.

Section 12, act May 24, 1924, ch. 182, § 19, formerly § 12, 43 Stat. 142, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1209; May 3, 1945, ch. 105, § 8, 59 Stat. 104, related to living, representation, and post allowances. See section 1131 of this title, and sections 5923, 5924 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§ 13. Transferred

CODIFICATION

Section, act May 24, 1924, ch. 182, § 18, formerly § 11, 43 Stat. 142, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1209, relating to the receipt of official fees and the method of accounting therefor, was transferred to section 812 of this title.

§§ 14 to 23j. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131(4), (29), (40) to (50), (53), (59) to (63), 60 Stat. 1035

Section 14, act May 24, 1924, ch. 182, § 20, formerly § 13, 43 Stat. 143, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1209, related to private secretaries to ambassadors.

Section 15, act May 24, 1924, ch. 182, § 21, formerly § 14, 43 Stat. 143, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1209; May 3, 1945, ch. 105, § 9, 59 Stat. 104, related to assignment of officers for duty in the Department of State or any other department or agency of the Government, and is covered by sections 961 to 963 of this title.

Section 16, act May 24, 1924, ch. 182, § 21, formerly § 14, 43 Stat. 143, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1209; May 3, 1945, ch. 105, § 9, 59 Stat. 104, related to assignment to special details. See sections 961 and 963 to 965 of this title.

Section 17, act May 24, 1924, ch. 182, § 22, formerly § 15, 43 Stat. 143, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1210; Mar. 17, 1941, ch. 20, 55 Stat. 44, related to ordering of personnel to United States on statutory leave, and is covered by section 1148 of this title.

Section 17a, act May 24, 1924, ch. 182, § 22, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1210, related to leave of absence and sick leave. See sections 1148 to 1150 of this title, and section 6301 et seq. of Title 5, Government Organization and Employees.

Section 18, acts July 1, 1916, ch. 208, 39 Stat. 252; May 24, 1924, ch. 182, § 23, formerly § 16, 43 Stat. 143, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1210, related to the appointment of a Foreign Service officer as counselor of embassy or legation.

Section 19, act May 24, 1924, ch. 182, § 24, formerly § 17, 43 Stat. 143, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1210, related to Foreign Service officers acting as commissioner, chargé d'affaires, etc., and is covered by section 909 of this title.

Section 20, R.S. § 1685; acts Mar. 2, 1909, ch. 235, 35 Stat. 673; Feb. 5, 1915, ch. 23, § 3, 38 Stat. 805; May 24, 1924, ch. 182, § 17 (25), 43 Stat. 143; Feb. 27, 1925, ch. 364, title I, 43 Stat. 1016; Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1210, related to compensation of officer acting as charge d'affaires ad interim, and is covered by section 876 of this title.

Section 21, acts May 24, 1924, ch. 182, § 26, formerly § 18, 43 Stat. 144; July 3, 1926, ch. 798, § 1, 44 Stat. 902; Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1211; Apr. 24, 1939, ch. 84, § 3, 53 Stat. 584; July 19, 1939, ch. 330, 53 Stat. 1067; Aug. 5, 1939, ch. 441, 53 Stat. 1208; Apr. 20, 1940, ch. 118, § 1, 54 Stat. 143; Oct. 14, 1940, ch. 859, § 4, 54 Stat. 1118; May 13, 1941, ch. 115, § 1, 55 Stat. 189, eff. Aug. 1, 1941, related to the retirement and disability system, and is covered by section 1061 et seq. of this title.

Section 21a, act July 3, 1926, ch. 798, § 2, 44 Stat. 903, related to retirement and disability rights of Chief of Division of Western European Affairs, and is covered by section 1063 of this title.

Section 22, act May 24, 1924, ch. 182, § 27, formerly § 19, 43 Stat. 146, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1213, related to recall to active duty of retired officers, and is covered by section 915 of this title.

Section 23, act May 24, 1924, ch. 182, § 28, formerly § 20, 43 Stat. 146, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1213, related to making other laws applicable to Foreign Service officers.

Section 23a, acts Feb. 23, 1931, ch. 276, § 1, 46 Stat. 1207; May 3, 1945, ch. 105, § 2, 59 Stat. 102, related to the administrative, fiscal, and clerical personnel of the Foreign Service, and is covered by sections 861 and 870 of this title.

Section 23b, act Feb. 23, 1931, ch. 276, § 2, 46 Stat. 1207, related to appointment to grade of senior clerk, and is covered by section 937 of this title.

Section 23c, acts Feb. 23, 1931, ch. 276, § 3, 46 Stat. 1207; Apr. 24, 1939, ch. 84, § 1, 53 Stat. 583; May 3, 1945, ch. 105, § 3, 59 Stat. 102, related to allowances at all posts to clerks to meet excessive costs of living. See section 1131 of this title, and sections 5923, 5924 of Title 5, Government Organization and Employees.

Section 23d, act Feb. 23, 1931, ch. 276, § 4, 46 Stat. 1207, related to appointment of clerks to serve in a diplomatic mission, and is covered by section 937 of this title.

Section 23e, act Feb. 23, 1931, ch. 276, § 5, 46 Stat. 1207, related to regulations governing clerks, and is covered by section 886 of this title.

Section 23f, act May 24, 1924, ch. 182, § 31, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1214, and amended May 3, 1945, ch. 105, § 10, 59 Stat. 105, related to the Board of Foreign Personnel, and is covered by sections 826 and 827 of this title.

Section 23g, act May 24, 1924, ch. 182, § 31, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1214, and amended May 3, 1945, ch. 105, § 10, 59 Stat. 105, related to the Chief of the Division of Foreign Service personnel and the Director of the Office of the Foreign Service, and is covered by section 821 of this title.

Section 23h, act May 24, 1924, ch. 182, § 32, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1214, and amended July 3, 1946, ch. 539, § 5, 60 Stat. 427, related to the Division of Foreign Service Personnel, efficiency ratings, etc., and is covered by sections 826, 827, and 861 et seq. of this title.

Section 23i, act May 24, 1924, ch. 182, § 33, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1215, and amended Apr. 24, 1939, ch. 84, § 4, 53 Stat. 588, related to separation of officers from Service, retirement pay, and annuities, and is covered by section 1061 et seq. of this title.

Section 23j, act May 24, 1924, ch. 182, § 34, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1216, related to reduction of salary upon promotion to a higher grade, and is covered by section 882 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§§ 23k, 23*l*. Transferred

CODIFICATION

Section 23k, act May 24, 1924, ch. 182, § 35, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1216, relating to the establishment and maintenance of fiscal accounting and disbursing offices, was transferred to section 813 of this title.

Section 23*l*, act May 24, 1924, ch. 182, § 36, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1216, relating to fees and official monies from diplomatic missions, was transferred to section 814 of this title.

§ 24. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131 (67), 60 Stat. 1040

Section, act May 3, 1945, ch. 105, § 12, 59 Stat. 105, related to restriction on the transaction of business by officers and employees, and is covered by section 805 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of section effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§§ 31 to 40. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131(2), (3), (5), (6), (15), (19), (27), (28), (30), (31), (52), (55), (57), (58), 60 Stat. 1035

Section 31, act Mar. 2, 1909, ch. 235, 35 Stat. 672, related to the restriction against creation of new ambassadorships, and is covered by section 901 of this title.

Section 32, R.S. § 1675; acts Mar. 3, 1875, ch. 153, 18 Stat. 483; Feb. 27, 1925, ch. 364, 43 Stat. 1015; Jan. 21, 1931, ch. 42, 46 Stat. 1040, related to appointment and salaries of ambassadors, ministers, etc., and is covered by sections 861 et seq. and 900 et seq. of this title.

Section 32a, act Jan. 21, 1931, ch. 42, 46 Stat. 1040, related to the salary of minister to Liberia, and is covered by sections 866 and 867 of this title.

Section 33, R.S. § 1744, related to citizenship as prerequisite to payment of compensation, and is covered by section 910 of this title.

Section 34, act Sept. 29, 1919, ch. 72, 41 Stat. 291, related to the appointment of an ambassador to Belgium, and is covered by section 901 of this title.

Section 34a, act Jan. 22, 1930, ch. 22, 46 Stat. 57, related to the appointment of an ambassador to Poland, and is covered by section 901 of this title.

Section 34b, act June 5, 1930, ch. 404, 46 Stat. 502, related to the appointment of a minister to the Union of South Africa, and is covered by section 901 of this title.

Section 34c, act June 1, 1922, ch. 204, title I, 42 Stat. 600, related to the appointment of a minister to Egypt, and is covered by section 901 of this title.

Section 35, acts Feb. 27, 1925, ch. 364, title I, 43 Stat. 1016; Apr. 29, 1926, ch. 195, title I, 44 Stat. 331; Feb. 24, 1927, ch. 189, title I, 44 Stat. 1180; Feb. 15, 1928, ch. 57, title I, 45 Stat. 65; Jan. 25, 1929, ch. 102, title I, 45 Stat. 1096; Apr. 18, 1930, ch. 184, title I, 46 Stat. 175, related to clerks at embassies and legations, and is covered by sections 936 to 939 of this title.

Section 36, R.S. § 1686, related to compensation of persons filling two offices.

Section 37, act June 11, 1874, ch. 275, § 1, 18 Stat. 67, related to special allowance to embassy messenger in Paris.

Section 38, act Feb. 5, 1915, ch. 23, § 7, 38 Stat. 807, related to the transaction of business by diplomatic officers, and is covered by section 805 of this title.

Section 39, R.S. § 1688, related to the prohibition against uniforms and official costumes, and is covered by section 803 of this title.

Section 40, R.S. § 1674; acts Feb. 5, 1915, ch. 23, § 6, 38 Stat. 806; July 1, 1916, ch. 208, 39 Stat. 252; May 24, 1924, ch. 182, § 2, 43 Stat. 140, related to the definition of diplomatic offices, and is covered by section 802 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§ 41. Transferred

CODIFICATION

Section, act July 5, 1946, ch. 541, title I, § 101, 60 Stat. 448, relating to ambassadors or ministers unable to serve because of emergent conditions abroad, was transferred and set out as a note under section 901 of this title.

§§ 51, 51a. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131(2), (7), 60 Stat. 1035

Section 51, R.S. § 1674; act Feb. 5, 1915, ch. 23, § 6, 38 Stat. 806, related to the official designations in the consular service.

Section 51a, R.S. § 1695; acts Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100; Feb. 5, 1915, ch. 23, § 6, 38 Stat. 806, related to the appointment of vice-consuls and consular agents, and is covered by sections 938 and 951 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§ 52. Omitted

CODIFICATION

Section, act Feb. 5, 1915, ch. 23, § 6, 38 Stat. 806, abolished offices of vice consul general, deputy consul general, and deputy consul, and is omitted as executed.

§ 53. Transferred

CODIFICATION

Section, R.S. § 1689, relating to various provisions applicable to particular classes of consular officers, was transferred to section 1171 of this title.

§ 54. Omitted

CODIFICATION

Section, act Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100, abolished grade of commercial agent, and is omitted as executed.

§§ 55, 56. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131(7), (51), 60 Stat. 1036

Section 55, R.S. § 1695, related to the limits of consulates, and is covered by section 908 of this title.

Section 56, acts Feb. 27, 1925, ch. 364, 43 Stat. 1017; Apr. 29, 1926, ch. 195, title I, 44 Stat. 333; Feb. 24, 1927, ch. 189, title I, 44 Stat. 1182, related to the appointment of consular clerks, and is covered by section 936 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§ 57. Repealed. Feb. 23, 1931, ch. 276, § 6, 46 Stat. 1207, eff. July 1, 1931

Section, act Apr. 5, 1906, ch. 1366, § 5, 34 Stat. 101, related to citizenship requirements of consular clerks.

§ 58. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131 (8), 60 Stat. 1036

Section, R.S. § 1696, related to expenses of vice consulate or consular agency.

EFFECTIVE DATE OF REPEAL

Repeal of section effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§ 71. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131(11), 60 Stat. 1036

Section, R.S. § 1714, related to construction of powers and duties of consular officers.

EFFECTIVE DATE OF REPEAL

Repeal of section effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§§ 72 to 79. Transferred

CODIFICATION

Section 72, R.S. § 4082, relating to the solemnization of marriages, was transferred to section 1172 of this title.

Section 73, R.S. § 1707, relating to the receipt of protests and declarations by consuls and vice-consuls, was transferred to section 1173 of this title.

Section 74, R.S. § 1708, relating to lists and returns of seamen and vessels, was transferred to section 1174 of this title.

Section 75, R.S. § 1709, relating to the handling of estates of decedents by consular officers, was transferred to section 1175 of this title.

Section 76, R.S. § 1710, relating to notification of death of a decedent by a consular officer, was transferred to section 1176 of this title.

Section 77, R.S. § 1711, relating to following testamentary directions by a consular officer, was transferred to section 1177 of this title.

Section 78, act June 30, 1902, ch. 1331, § 1, 32 Stat. 546, relating to the appointment of a consular officer as a trust officer for the settlement or conservation of an estate, was transferred to section 1178 of this title.

Section 79, act June 30, 1902, ch. 1331, § 2, 32 Stat. 547, relating to the failure of a consular officer to post bond prior to appointment as an administrator, was transferred to section 1179 of this title.

§§ 80 to 82. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131(9), (10), (22), 60 Stat. 1036

Section 80, R.S. § 1712; acts June 18, 1888, ch. 393, 25 Stat. 186; Feb. 9, 1889, ch. 122, §§ 1, 4, 25 Stat. 659; July 14, 1890, ch. 707, 26 Stat. 288; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100, related to commercial and agricultural reports.

Section 81, acts Jan. 27, 1879, ch. 28, § 1, 20 Stat. 273; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100, related to reports on exports, imports, and wages.

Section 82, R.S. § 1713; acts June 18, 1888, ch. 393, 25 Stat. 186; Feb. 9, 1889, ch. 122, §§ 1, 4, 25 Stat. 659, related to reports on current prices of merchandise, etc.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§§ 83 to 98. Transferred

CODIFICATION

Section 83, R.S. § 1715, relating to the certification of invoices, was transferred to section 1180 of this title.

Section 84, act Apr. 5, 1906, ch. 1366, § 9, 34 Stat. 101, relating to fees for certification of invoices, was transferred to section 1181 of this title.

Section 85, R.S. § 1716, relating to exaction of excessive fees for verification of invoices, was transferred to section 1182 of this title.

Section 86, act Feb. 24, 1903, ch. 753, 32 Stat. 854, relating to the destruction of old invoices, was transferred to section 1183 of this title.

Section 87, R.S. § 1717, relating to the granting of a certificate for goods shipped from countries adjacent to the United States, was transferred to section 1184 of this title.

Section 88, R.S. § 1718, relating to the retention of papers of American vessels until payment of demands and wages, was transferred to section 1185 of this title.

Section 89, act June 26, 1884, ch. 121, § 12, 23 Stat. 56, relating to fees for official services to American vessels or seamen, was transferred to section 1186 of this title.

Section 90, R.S. § 1719, relating to profits from dealings with discharged seamen, was transferred to section 1187 of this title.

Section 91, R.S. § 1722, relating to valuation of foreign coins in payment of fees, was transferred to section 1188 of this title.

Section 92, R.S. § 1723, relating to exaction of excessive fees generally, was transferred to section 1189 of this title.

Section 93, R.S. § 1724, relating to liability for uncollected fees, was transferred to section 1190 of this title.

Section 94, R.S. § 1725, relating to returns as to fees by officers compensated by fees, was transferred to section 1191 of this title.

Section 95, R.S. §§ 1726, 1727, relating to receipt for fees, was transferred to section 1192 of this title.

Section 96, R.S. § 1727, relating to registry of fees, was transferred to section 1193 of this title.

Section 97, R.S. § 1728, relating to account of fees, was transferred to section 1194 of this title.

Section 98, act Apr. 5, 1906, ch. 1366, § 7, 34 Stat. 101, relating to notarial acts, oaths, affirmations, affidavits, and depositions, was transferred to section 1195 of this title.

§ 99. General duty to account for fees

All fees, official or unofficial, received by any officer in the Consular Service for services rendered in connection with the duties of his office or as a consular officer, including fees for notarial services, and fees for taking depositions, executing commissions or letters rogatory, settling estates, receiving or paying out moneys, caring for or disposing of property, shall be accounted for and paid into the Treasury of the United States, and the sole and only compensation of such officers shall be by salaries fixed by law. And vice-consuls, in addition to such compensation as they may be entitled to receive as consuls or clerks, may receive such portion of the salaries of the consul-general or consuls for whom they act as shall be provided by regulation.

(Apr. 5, 1906, ch. 1366, § 8, 34 Stat. 101; Feb. 5, 1915, ch. 23, §§ 3, 6, 38 Stat. 805, 806; May 24, 1924, ch. 182, § 11, 43 Stat. 142; Aug. 13, 1946, ch. 957, title XI, § 1131(26), 60 Stat. 1037.)

CODIFICATION

Compensation provisions pertaining to the positions of vice-consuls-general, deputy consuls-general, and deputy consuls were omitted from this section on the authority of act Feb. 5, 1915.

AMENDMENTS

1946—Act Aug. 13, 1946, repealed clause providing "but this shall not apply to consular agents, who shall be paid one-half of the fees received in their offices, up to a maximum sum of one thousand dollars in any one year, the other half being accounted for and paid into the Treasury of the United States."

EFFECTIVE DATE OF 1946 AMENDMENT

Amendment by act Aug. 13, 1946, effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

CROSS REFERENCES

Account of fees and certification, see section 1194 of this title.

Estates of decedents generally, see section 1175 of this title.

Powers, duties, and liabilities of consuls, generally, see section 1171 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 812 of this title.

§§ 100 to 104. Transferred

Section 100, act Apr. 5, 1906, ch. 1366, § 10, 34 Stat. 102, relating to the use of official fee stamps on documents involved in the performance of any consular or notarial act, was transferred to section 1196 of this title and was subsequently repealed by act June 28, 1955, ch. 196, 69 Stat. 187.

Section 101, R.S. § 1731, relating to posting rates of fees, was transferred to section 1197 of this title.

Section 102, R.S. § 1734, relating to embezzlement of fees or of effects of American citizens, was transferred to section 1198 of this title.

Section 103, R.S. §§ 1735, 1736, relating to liability for neglect of duty or malfeasance, was transferred to section 1199 of this title.

Section 104, R.S. § 1737, relating to false certificates as to ownership of property, was transferred to section 1200 of this title.

§ 105. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131(12), 60 Stat. 1036

Section, R.S. § 1738, related to the restriction of diplomatic functions by consular officers.

EFFECTIVE DATE OF REPEAL

Repeal of section effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§§ 106 to 108. Repealed. May 3, 1945, ch. 105, § 11, 59 Stat. 105

Section 106, R.S. § 1699; act Apr. 5, 1906, ch. 1366, § 6, 34 Stat. 101, related to restriction of transaction of private business by consular officer.

Section 107, R.S. § 1700; act Apr. 5, 1906, ch. 1366, § 6, 34 Stat. 101, related to extension of restriction as to transaction of business.

Section 108, R.S. § 1701; act Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100, related to penalty for violation of restriction and action on bond.

§ 109. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 640

Section, R.S. § 1706; act Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100, related to allowance for office rent of consulates.

§§ 121, 122. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131(13), (20), 60 Stat. 1036

Section 121, R.S. § 1740; acts Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100; Feb. 5, 1915, ch. 23, § 6, 38 Stat. 806; Feb. 27, 1925, ch. 364, 43 Stat. 1017, related to commencement of salary of officers, and is covered by sections 881 and 882 of this title.

Section 122, act June 11, 1874, ch. 275, § 4, 18 Stat. 70, related to the fixing of travel time allowances.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§ 123. Repealed. Feb. 23, 1931, ch. 276, § 22, 46 Stat. 1210, eff. July 1, 1931

Section, R.S. § 1742, related to salary during absence.

§§ 124 to 126. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131(14), (21), 60 Stat. 1036

Section 124, R.S. § 1741; acts June 17, 1874, ch. 294, 18 Stat. 77; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100, related to absence without leave, and is covered by section 882 of this title.

Section 125, R.S. § 1743, related to extra compensation, and is covered by section 861 et seq. of this title.

Section 126, R.S. § 1751; act June 17, 1874, ch. 294, 18 Stat. 77, related to private correspondence on affairs of foreign governments, and is covered by section 806 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§§ 127, 128. Transferred

CODIFICATION

Section 127, R.S. § 1745, relating to regulation of fees by the President, was transferred to section 1201 of this title.

Section 128, R.S. § 1746, relating to medium for payment of fees, was transferred to section 1202 of this title.

§§ 129 to 130b. Repealed Aug. 13, 1946, ch. 957, title XI, §§ 1131(16), (17), 1132, 60 Stat. 1036, 1040

Section 129, R.S. § 1748; act Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100, related to office paraphernalia.

Section 130, R.S. 1749, related to allowances of widows, and is covered by section 1082 of this title.

Section 130a, acts Apr. 27, 1938, ch. 180, title I, § 1, 52 Stat. 250; June 29, 1939, ch. 248, title I, § 1, 53 Stat. 887; May 14, 1940, ch. 189, title I, § 1, 54 Stat. 183; June 28, 1941, ch. 258, title I, § 1, 55 Stat. 268; July 2, 1942, ch. 472, title I, § 1, 56 Stat. 471; July 1, 1943, ch. 182, title I, § 1, 57 Stat. 273; June 28, 1944, ch. 294, title I, § 1, 58 Stat. 398; May 21, 1945, ch. 129, title I, § 1, 59 Stat. 172; July 5, 1946, ch. 541, title I, § 1, 60 Stat. 449, related to the expenses of bringing home remains of personnel dying abroad, and is covered by section 1136 of this title.

Section 130b, acts Apr. 27, 1938, ch. 180, title I, § 1, 52 Stat. 250; June 29, 1939, ch. 248, title I, § 1, 53 Stat. 887; May 14, 1940, ch. 189, title I, § 1, 54 Stat. 183; June 28, 1941, ch. 258, title I, § 1, 55 Stat. 267; July 2, 1942, ch. 472, title I, § 1, 56 Stat. 470; July 1, 1943, ch. 182, title I, § 1, 57 Stat. 273; June 28, 1944, ch. 294, title I, § 1, 58 Stat. 398; May 21, 1945, ch. 129, title I, § 1, 59 Stat. 171; July 5, 1946, ch. 541, title I, § 1, 60 Stat. 449, related to expenses of transporting personnel, families, and their effects to and from posts, and is covered by sections 1136 and 1138 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§ 131. Transferred

CODIFICATION

Section, R.S. § 1750, relating to depositions and notarial acts, was transferred to section 1203 of this title.

§ 132. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131 (18), 60 Stat. 1036

Section, R.S. § 1752, related to general regulations by President, and is covered by sections 842 and 843 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of section effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§ 133. Repealed. May 7, 1926, ch. 250, § 7, 44 Stat. 405

Section, act Feb. 17, 1911, ch. 105, 36 Stat. 917, provided for purchase of buildings for Diplomatic and Consular Service.

§ 134. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1132, 60 Stat. 1040

Section, act Mar. 2, 1921, ch. 113, § 1, 41 Stat. 1215, related to acceptance of gifts of lands, buildings, etc., for use of the Service, and is covered by section 809 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of section effective three months after Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, set out as an Effective Date note under section 801 of this title.

§§ 135, 136. Transferred

CODIFICATION

Section 135, act June 10, 1933, ch. 57, 48 Stat. 122, relating to protection of diplomatic codes, was transferred to section 815 of this title, and was subsequently repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862.

Section 136, act July 5, 1946, ch. 541, title I, § 101, 60 Stat. 452, relating to temporary assignment of American citizens in Foreign Service to Department of State during national emergencies, was transferred and set out as a note under section 909 of this title.

CHAPTER 2—CONSULAR COURTS

§§ 141 to 143. Repealed. Aug. 1, 1956, ch. 807, 70 Stat. 774

Act Aug. 1, 1956, repealed sections 141 to 143 effective upon the date which the President determined to be appropriate for the relinquishment of jurisdiction of the United States in Morocco. Jurisdiction of the United States in Morocco was relinquished by memorandum of President Eisenhower dated Sept. 15, 1956. Notice was given to Morocco on Oct. 6, 1956, and all pending cases were disposed of by 1960. See Bulletin of the State Department Vol. 35:909, page 844.

Section 141, R.S. §§ 4083, 4125, 4126, 4127; act June 14, 1878, ch. 193, 20 Stat. 131, related to the judicial authority generally of ministers and consuls of the United States in China, Siam, Turkey, Morocco, Muscat, Abyssinia, Persia, and the territories formerly a part of the Ottoman Empire including Egypt.

Section 142, R.S. § 4084, related to the general criminal jurisdiction of ministers and consuls of the United States.

Section 143, R.S. § 4085, related to the general jurisdiction of ministers and consuls of the United States and venue in civil cases.

§ 144. Omitted

CODIFICATION

Section, acts Mar. 2, 1909, ch. 235, 35 Stat. 679; Mar. 4, 1915, ch. 145, 38 Stat. 1122, relating to the exercise of judicial functions by the vice consul at Shanghai, was omitted from the Code as obsolete.

§§ 145 to 174. Repealed. Aug. 1, 1956, ch. 807, 70 Stat. 774

Act Aug. 1, 1956 repealed sections 145 to 174 effective upon the date which the President determined to be appropriate for the relinquishment of jurisdiction of the United States in Morocco. Jurisdiction of the United States in Morocco was relinquished by memorandum of President Eisenhower dated Sept. 15, 1956. Notice was given to Morocco on Oct. 6, 1956, and all pending cases were disposed of by 1960. See Bulletin of the State Department Vol. 35:909, page 844.

Section 145, R.S. § 4086, related to the system of laws to be applied.

Section 146, R.S. § 4117, related to rules and regulations for consular courts generally.

Section 147, R.S. § 4118, related to the assent or dissent of consuls to, and publication of, rules, regulations, decrees, and orders.

Section 148, R.S. § 4119, related to the transmission of rules, regulations, orders and decrees to the Secretary of State.

Section 149, R.S. § 4087, related to warrant, arrest, trial, and sentence by consul.

Section 150, R.S. § 4105, related to the jurisdiction of consul sitting alone in criminal cases and the finality of decision.

Section 151, R.S. § 4089, related to the jurisdiction of the consul sitting alone in criminal cases and the appeal to the minister.

Section 152, R.S. § 4106, related to the calling in by consul of associates in criminal cases and the reference to the minister upon disagreement.

Section 153, R.S. § 4107, related to the jurisdiction of consuls in civil cases, the finality of decision, the calling in of associates, and the reference to the minister upon disagreement.

Section 154, R.S. § 4097, related to evidence and how it was to be taken.

Section 155, R.S. § 4101, related to punishment generally and contempt.

Section 156, R.S. § 4102, related to capital offenses, requisites for conviction, and conviction of lesser offenses.

Section 157, R.S. § 4104, related to punishment for contempt of court.

Section 158, R.S. § 4103, related to execution of criminals and pardons.

Section 159, R.S. § 4120, related to fees for judicial services, application of moneys and rendition of accounts.

Section 160, R.S. § 4099, related to the settlement of criminal cases.

Section 161, R.S. § 4098, related to arbitration, reference, and compromise of civil cases.

Section 162, R.S. § 4100, related to invoking the aid of local authorities.

Section 163, R.S. § 4108, related to the jurisdiction of the minister.

Section 164, R.S. § 4109, related to the appellate and original jurisdiction of the minister.

Section 165, R.S. § 4091, related to the appellate jurisdiction of the minister and new trials.

Section 166, R.S. § 4090, related to the jurisdiction of the minister to try capital and felony cases.

Section 167, R.S. § 4090, related to the prevention of American citizens from enlisting with foreign countries.

Section 168, R.S. §§ 1693, 4111; act June 30, 1906, ch. 3934, § 8, 34 Stat. 816, related to marshals of consular courts and their appointment and salary.

Section 169, R.S. § 4112, related to the execution and return of process by a marshal.

Section 170, R.S. § 4113, related to the bond of a marshal.

Section 171, R.S. § 4114, related to suit on bond of marshal.

Section 172, R.S. § 4115, related to the necessity for production of original bond.

Section 173, R.S. § 4116, related to service of rules, orders, writs, and processes of every kind in suit on bond of marshal.

Section 174, R.S. §§ 4121, 4122; act June 25, 1948, ch. 646, § 39, 62 Stat. 992, related to expenses of prisons in foreign countries.

§ 175. Omitted

CODIFICATION

Section, act Mar. 2, 1901, ch. 802, 31 Stat. 893, which appropriated funds for the feeding and keeping of prisoners, was repeated in subsequent appropriation acts down to and including act Mar. 3, 1917, ch. 161, 39 Stat. 1058, but was not repeated thereafter.

§§ 176 to 181. Repealed. Aug. 1, 1956, ch. 807, 70 Stat. 774

Act Aug. 1, 1956 repealed sections 176 to 181 effective upon the date which the President determined to be appropriate for the relinquishment of jurisdiction of the United States in Morocco. Jurisdiction of the United States in Morocco was relinquished by memorandum of President Eisenhower dated Sept. 15, 1956. Notice was given to Morocco on Oct. 6, 1956, and all pending cases were disposed of by 1960. See Bulletin of the State Department Vol. 35:909, page 844.

Section 176, R.S. § 4128, related to the exercise of judicial duties by the Secretary of State in the absence of a minister.

Section 177, R.S. §§ 4127, 4129; act June 14, 1878, ch. 193, 20 Stat. 131, related to the general extension to unnamed countries with which the United States may after July 1, 1870 enter into treaty relations, of the provisions relating to the jurisdiction of consular and diplomatic officers.

Section 178, R.S. § 4130; acts Feb. 1, 1876, ch. 6, 19 Stat. 2; Feb. 5, 1915, ch. 23, § 6, 38 Stat. 806, related to the definition of the words "minister" and "consul".

Section 179, R.S. § 4110, related to the responsibility of diplomatic and consular officers as judicial officers.

Section 180, R.S. § 4088; act Apr. 5, 1906, ch. 1368, § 3, 34 Stat. 100, related to the power of consuls in uncivilized countries or countries not recognized by treaties.

Section 181, R.S. § 4125, related to the applicability of other laws to Turkey.

§ 182. Omitted

CODIFICATION

Section, act Mar. 23, 1874, ch. 62, § 1, 18 Stat. 23, relating to consular courts in Turkey and Egypt, was omitted from the Code as obsolete. Such courts in Turkey were abolished Oct. 14, 1949, and such courts in Egypt were abolished by the Treaty of Oct. 28, 1931.

§ 183. Repealed. Aug. 1, 1956, ch. 807, 70 Stat. 774

Act Aug. 1, 1956 repealed section 183 effective upon the date which the President determined to be appro-

priate for the relinquishment of jurisdiction of the United States in Morocco. Jurisdiction of the United States in Morocco was relinquished by memorandum of President Eisenhower dated Sept. 15, 1956. Notice was given to Morocco on Oct. 6, 1956, and all pending cases were disposed of by 1960. See Bulletin of the State Department Vol. 35:909, page 844.

Section, R.S. § 4126, related to the extension of other laws to Persia and suits between American citizens and subjects of Persia and other countries.

CHAPTER 3—UNITED STATES COURT FOR CHINA

§§ 191 to 200. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 191, acts June 30, 1906, ch. 3934, § 1, 34 Stat. 814; June 24, 1936, ch. 757, 49 Stat. 1909, related to establishment of court.

Section 192, act June 30, 1906, ch. 3934, § 2, 34 Stat. 814, related to jurisdiction of consular courts.

Section 193, act June 30, 1906, ch. 3934, § 2, 34 Stat. 814, related to administration of estates of decedents.

Section 194, acts June 30, 1906, ch. 3934, § 3, 34 Stat. 815; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54, related to appeals and writs of error.

Section 195, act June 30, 1906, ch. 3934, § 4, 34 Stat. 815, related to law applicable to determination of cases.

Section 196, act June 30, 1906, ch. 3934, § 5, 34 Stat. 816, related to procedure generally.

Section 197, acts June 30, 1906, ch. 3934, § 6, 34 Stat. 816; May 29, 1928, ch. 904, §§ 1, 2, 45 Stat. 997, related to officers of the court.

Section 197a, act May 29, 1928, ch. 904, §§ 1, 2, 45 Stat. 997, related to salaries of judge.

Section 197b, act June 30, 1906, ch. 3934, § 11, as added Aug. 7, 1935, ch. 452, § 1, 49 Stat. 539, related to appointment and compensation of special judge.

Section 197c, acts Mar. 2, 1909, ch. 235, 35 Stat. 679; Mar. 4, 1915, ch. 145, 38 Stat. 1122, related to vice consul at Shanghai exercising judicial functions.

Section 198, act June 4, 1920, ch. 223, 41 Stat. 746, related to commissioner for court.

Section 198a, act June 30, 1906, ch. 3934, § 10, as added Aug. 7, 1935, ch. 452, § 1, 49 Stat. 538, related to commissioner for the court.

Section 199, act June 30, 1906, ch. 3934, § 7, 34 Stat. 816, related to tenure of office of judge.

Section 200, act June 30, 1906, ch. 3934, § 8, 34 Stat. 816, related to bond of marshal.

§ 201. Omitted

CODIFICATION

Section, acts Feb. 27, 1925, ch. 364, title I, 43 Stat. 1025; Apr. 29, 1926, ch. 195, title I, 44 Stat. 341; Feb. 24, 1927, ch. 189, title I, 44 Stat. 1192; Feb. 15, 1928, ch. 57, title I, 45 Stat. 76, has been omitted from the Code pursuant to the Treaty of Jan. 11, 1943, 57 Stat., pt. 2, 767, between the United States and the Republic of China by which the United States relinquished all of its extraterritorial rights in China. Section related to expenses of judge and district attorney at sessions other than in Shanghai.

§ 202. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act June 30, 1906, ch. 3934, § 9, 34 Stat. 816, related to fees of marshal and clerk.

CHAPTER 4—PASSPORTS

Sec.
211. Repealed.
211a. Authority to grant, issue, and verify passports.
212. Who entitled to passport.
213. Application for passport; verification by oath of initial passport.
214. Fees for execution and issuance of passports; persons excused from payment.
214a. Fees erroneously charged and paid; refund.
215. Fees for vise of alien's passport.
216. Return of fees on refusal to vise.
217. Repealed.
217a. Validity of passport; limitation of time; outstanding passport.
218. Returns as to passports issued, etc.
219 to 229. Repealed.

CROSS REFERENCES

Immigration and Nationality Act, see section 1101 et seq. of Title 8, Aliens and Nationality.

§ 211. Repealed. July 3, 1926, ch. 772, § 4, 44 Stat. 887

Section, R.S. § 4075; act June 14, 1902, ch. 1088, § 1, 32 Stat. 386, provided for issuance of passports, and is covered by section 211a of this title.

§ 211a. Authority to grant, issue, and verify passports

The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic representatives of the United States, and by such consul generals, consuls, or vice consuls when in charge, as the Secretary of State may designate, and by the chief or other executive officer of the insular possessions of the United States, under such rules as the President shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify such passports.

(July 3, 1926, ch. 772, § 1, 44 Stat. 887.)

EX. ORD. NO. 11295. RULES GOVERNING GRANTING, ISSUING, AND VERIFYING OF PASSPORTS

Ex. Ord. No. 11295, Aug. 5, 1966, 31 F.R. 10603, provided:

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Delegation of authority.* The Secretary of State is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority conferred upon the President by the first section of the Act of July 3, 1926 (22 U.S.C. 211a), to designate and prescribe for and on behalf of the United States rules governing the granting, issuing, and verifying of passports.

SEC. 2. *Superseded orders.* Subject to Section 3 of this order, the following are hereby superseded:

(1) Executive Order No. 7856 of March 31, 1938, entitled "Rules Governing the Granting and Issuing of Passports in the United States."

(2) Executive Order No. 8820 of July 11, 1941, entitled "Amending the Foreign Service Regulations of the United States."

SEC. 3. *Saving provisions.* All rules and regulations contained in the Executive order provisions revoked by Section 2 of this order, and all rules and regulations issued under the authority of those provisions, which are in force at the time of the issuance of this order shall remain in full force and effect until revoked, or except as they may be hereafter amended or modified, in pursuance of the authority conferred by this order, unless sooner terminated by operation of law.

LYNDON B. JOHNSON.

§ 212. Who entitled to passport

No passport shall be granted or issued to or verified for any other persons than those owing

allegiance, whether citizens or not, to the United States.

(R.S. § 4076; June 14, 1902, ch. 1088, § 2, 32 Stat. 386.)

CODIFICATION

R.S. § 4076 was from act May 30, 1866, ch. 102, 14 Stat. 54.

AMENDMENTS

1902—Act June 14, 1902 substituted the phrase "those owing allegiance, whether citizens or not, to the United States" for "citizens of the United States".

CROSS REFERENCES

Aliens excluded from admission to United States, see section 1182 of Title 8, Aliens and Nationality.

Denial of passports to members of Communist organizations, see section 785 of Title 50, War and National Defense.

§ 213. Application for passport; verification by oath of initial passport

Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application which shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. If the applicant has not previously been issued a United States passport, the application shall be duly verified by his oath before a person authorized and empowered by the Secretary of State to administer oaths.

(June 15, 1917, ch. 30, title IX, § 1, 40 Stat. 227; July 26, 1968, Pub. L. 90-428, § 3, 82 Stat. 446.)

CODIFICATION

Second sentence of act June 15, 1917, relating to fees for taking application for passport, was omitted as superseded by sections 214 to 217a of this title.

AMENDMENTS

1968—Pub. L. 90-428 substituted provisions requiring that the initial passport application be duly verified under oath before a person authorized and empowered by the Secretary of State to administer oaths for provisions requiring that each passport application be duly verified under oath before a person authorized and empowered to administer oaths.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-428 effective on the thirtieth day following July 26, 1968, see section 4 of Pub. L. 90-428, set out as an Effective Date of 1968 Amendment note under section 217a of this title.

CROSS REFERENCES

Definition of United States as used in this section, see section 408a of this title.

False statement in application and use of passport, penalty, see section 1542 of Title 18, Crimes and Criminal Procedure.

Letters or writings nonmailable, see section 1717 of Title 18.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 408a of this title.

§ 214. Fees for execution and issuance of passports; persons excused from payment

There shall be collected and paid into the Treasury of the United States a quarterly fee of $10 for each passport issued and a fee in an amount prescribed by the Secretary of State by regulation for executing each application for a passport. Nothing contained in this section shall be construed to limit the right of the Secretary of State by regulation (1) to authorize State officials to collect and retain the execution fee, or (2) to transfer to the United States Postal Service the execution fee for each application accepted by that Service. No passport fee shall be collected from an officer or employee of the United States proceeding abroad in the discharge of official duties, or from members of his immediate family; from an American seaman who requires a passport in connection with his duties aboard an American flag-vessel; or from a widow, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member. No execution fee shall be collected for an application made before a Federal official by a person excused from payment of the passport fee under this section.

(June 4, 1920, ch. 223, § 1, 41 Stat. 750; Feb. 10, 1956, ch. 31, 70 Stat. 11; July 26, 1968, Pub. L. 90-428, § 2, 82 Stat. 446; May 14, 1971, Pub. L. 92-14, § 1, 85 Stat. 38; Sept. 17, 1974, Pub. L. 93-417, 88 Stat. 1151.)

AMENDMENTS

1974—Pub. L. 93-417 substituted provisions authorizing the Secretary of State to prescribe fees for execution of applications for passports by regulation for provisions prescribing a fixed fee of $2, substituted "United States Postal Service" for "Postal Service", and struck out references to the fee of $2 in the proviso relating to the rights of the Secretary of State.

1971—Pub. L. 92-14 authorized the United States Postal Service to receive the fee of $2 for execution of an application for a passport.

1968—Pub. L. 90-428 increased from $1.00 to $2.00 and from $9.00 to $10.00, respectively, the fees for the execution and the issuance of passports, struck out "to a citizen or person owing allegiance to or entitled to the protection of the United States" following "for each passport issued", restricted the exemption for seamen to American seamen requiring a passport in connection with duties aboard an American flag-vessel, and added the provision excusing a person exempted from a passport fee from paying an execution fee.

1956—Act Feb. 10, 1956, increased from $1 to $2 the fee for executing passport applications, and reworded authorization of State officials to collect and retain $2 fee.

EFFECTIVE AND TERMINATION DATE OF 1971 AMENDMENT

Section 2 of Pub. L. 92-14, as amended by Pub. L. 93-126, § 8, Oct. 18, 1973, 87 Stat. 453, provided that: "The amendment made by this Act [to this section] shall become effective on the date of enactment [May 14, 1971] and shall continue in effect until June 30, 1974."

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-428 effective on the thirtieth day following July 26, 1968, see section 4 of Pub. L. 90-428, set out as an Effective Date of 1968 Amendment note under section 217a of this title.

CROSS REFERENCES

Red Cross employees cooperating with and assisting armed forces, exemption from payment of fee, see section 2602 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 214a, 2504 of this title.

§ 214a. Fees erroneously charged and paid; refund

Whenever a fee is erroneously charged and paid for the issue of a passport to a person who is exempted from the payment of such a fee by section 214 of this title, the Department of State is authorized to refund to the person who paid such fee the amount thereof, and the money for that purpose is authorized to be appropriated.

(July 3, 1926, ch. 772, § 3, 44 Stat. 887.)

§ 215. Fees for visé of alien's passport

There shall be collected and paid into the Treasury of the United States quarterly a fee of $1 for executing each application of an alien for a visé and $9 for each visé of the passport of an alien: *Provided,* That no fee shall be collected from any officer of any foreign Government, or members of his immediate family, its armed forces, or of any State, district, or municipality thereof, traveling to or through the United States.

(June 4, 1920, ch. 223, § 2, 41 Stat. 750.)

CODIFICATION

The following words were omitted from the text of this section as obsolete: "Or of any soldier coming within the terms of the public resolution approved October 19, 1918 (Fortieth Statutes at Large, part 1, page 1014)."

CROSS REFERENCES

Provisions relating to—
Fees, see section 1351 of Title 8, Aliens and Nationality.
Immigration visas and application therefor, see sections 1201 to 1204 of Title 8.

§ 216. Return of fees on refusal to visé

Whenever the appropriate officer within the United States of any foreign country refuses to visé a passport issued by the United States, the Department of State is authorized upon request in writing and the return of the unused passport within six months from the date of issue to refund to the person to whom the passport was issued the fees which have been paid to Federal officials, and the money for that purpose is appropriated and directed to be paid upon the order of the Secretary of State.

(June 4, 1920, ch. 223, § 4, 41 Stat. 751.)

CERTAIN APPROPRIATION ACCOUNTS ABOLISHED

Effective July 1, 1935, enumerated appropriation accounts appearing on the books of the Government were abolished and in lieu thereof there was established an account to be designated "Refund of Moneys Erroneously Received and Covered." See section 725q of Title 31, Money and Finance.

§ 217. Repealed. July 3, 1926, ch. 772, § 4, 44 Stat. 887

Section, act June 4, 1920, ch. 223, § 3, 41 Stat. 751, limited time as to validity of passport or visé; and is covered by section 217a of this title.

§ 217a. Validity of passport; limitation of time; outstanding passport

The validity of the passport shall be limited to a period of not more than five years. The Secretary of State may limit a passport to a shorter period. A valid passport outstanding as of the effective date of this Act shall be valid for a period of five years from the date of issue except where such passport is or has been limited by the Secretary of State to a shorter period.

(July 3, 1926, ch. 772, § 2, 44 Stat. 887; July 1, 1930, ch. 782, 46 Stat. 839; May 16, 1932, ch. 187, 47 Stat. 157; Sept. 14, 1959, Pub. L. 86-267, 73 Stat. 552; July 26, 1968, Pub. L. 90-428, § 1, 82 Stat. 446.)

REFERENCES IN TEXT

The effective date of this Act, referred to in text, is the thirtieth day following July 26, 1968, see Effective Date of 1968 Amendment note set out below.

AMENDMENTS

1968—Pub. L. 90-428 substituted provisions that passport be limited to a period of not more than five years, though the Secretary of State may limit it to a shorter period and provisions as to the length of validity of passports outstanding as of the effective date of Pub. L. 90-428 for provisions that a passport or passport visa be limited to a period of three years, that a passport be renewed pursuant to regulations of the Secretary for a period not to exceed two years, provided that the final date of expiration not be more than five years from the original date of issue, that the Secretary be authorized to limit the validity of a passport, passport visa, or period of renewal of a passport to less than two years, and that the charge for the issue of an original passport be $9.00 and the charge for the renewal be $5.00.

1959—Pub. L. 86-267 substituted "three years" for "two years", and "five years" for "four years".

1932—Act May 16, 1932, among other changes, increased payment for renewals from $2 to $5, for issue of original passport from $5 to $9, and restored final expiration date of renewal passport to four years from six-year period.

1930—Act July 1, 1930, among other changes, provided for $2 payment for renewal of passport, $5 payment for issue of an original passport, and changed from four to six years the final expiration date of renewal passport.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 4 of Pub. L. 90-428 provided that: "This Act [which amended this section and sections 213 and 214 of this title] shall take effect on the thirtieth day following the date of its enactment [July 26, 1968]."

§ 218. Returns as to passports issued, etc.

All persons who shall be authorized to grant, issue, or verify passports, shall make return of the same to the Secretary of State, in such manner and as often as he shall require; and such returns shall specify the names and all other particulars of the persons to whom the same shall be granted, issued, or verified, as embraced in such passport.

(R.S. § 4077.)

CODIFICATION

R.S. § 4077 was from act May 30, 1866, ch. 102, 14 Stat. 54.

§§ 219 to 222. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section 219, R.S. § 4078; act June 14, 1902, ch. 1088, § 3, 32 Stat. 386, related to issuance of false passports, and is covered by section 1541 of Title 18, Crimes and Criminal Procedure.

Section 220, acts June 15, 1917, ch. 30, title IX, § 2, 40 Stat. 227; Mar. 28, 1940, ch. 72, § 7, 54 Stat. 80, related to false statements in application for passports, and is covered by section 1542 of Title 18.

Section 221, acts June 15, 1917, ch. 30, title IX, § 3, 40 Stat. 227; Mar. 28, 1940, ch. 72, § 7, 54 Stat. 80, related to unlawful use of passports, and is covered by section 1544 of Title 18.

Section 222, acts June 15, 1917, ch. 30, title IX, § 4, 40 Stat. 227; Mar. 28, 1940, ch. 72, § 7, 54 Stat. 80, related to forging or altering of passports, and is covered by section 1543 of Title 18.

§§ 223 to 229. Repealed. June 27, 1952, ch. 477, title IV, § 403(a)(15), (20), (43), 66 Stat. 279, 280

Section 223, acts May 22, 1918, ch. 81, § 1, 40 Stat. 559; June 21, 1941, ch. 210, § 1, 55 Stat. 252, related to wartime restrictions generally, and is covered by section 1185 of Title 8, Aliens and Nationality.

Section 224, act May 22, 1918, ch. 81, § 2, 40 Stat. 559, related to requirement of passport for citizens during wartime restrictions, and is covered by section 1185 of Title 8.

Section 225, acts May 22, 1918, ch. 81, § 3, 40 Stat. 559; June 21, 1941, ch. 210, § 2, 55 Stat. 253, related to penalty for violation of wartime restrictions, and is covered by section 1185 of Title 8.

Section 226, acts May 22, 1918, ch. 81, § 4, 40 Stat. 559; June 21, 1941, ch. 210, § 2a, 55 Stat. 253, related to definition of "United States" and "person" as used in wartime restriction, and is covered by section 1185 of Title 8.

Section 226a, act May 22, 1918, ch. 81, § 5, as added June 21, 1941, ch. 210, § 3, 55 Stat 253, related to permit as guarantee of admission to the United States, and is covered by section 1185 of Title 8.

Section 226b, act May 22, 1918, ch. 81, § 6, as added June 21, 1941, ch. 210, § 3, 55 Stat. 253, related to proclamation, rule, etc., as bar to prosecution, and is covered by section 1185 of Title 8.

Section 227, act Mar. 2, 1921, ch. 113, § 1, 41 Stat. 1217, related to continuation of regulations as to alien passport requirements.

Sections 228 and 229, act June 20, 1941, ch. 209, §§ 1, 2, 55 Stat. 252, related to refusal of visés to aliens whose admission might endanger the public safety, and to rules and regulations governing this refusal, and are covered by section 1102 of Title 8.

TERMINATION OF EMERGENCY PROVISIONS

Section 1 of Joint Res. Mar. 31, 1953, ch. 13, 67 Stat. 18, provided for the extension of certain emergency provisions (previously extended to April 1, 1953 by Joint Res. July 3, 1952, ch. 570, § 1(b), 66 Stat. 333) until July 1, 1953. Section 2 of Joint Res. Mar. 31, 1953, provided that the extension did not apply to the provisions of sections 223 to 226b of this title.

CHAPTER 5—PRESERVATION OF FRIENDLY FOREIGN RELATIONS GENERALLY

§§ 231, 232. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section 231, acts June 15, 1917, ch. 30, title VIII, § 1, 40 Stat. 226; Mar. 28, 1940, ch. 72, § 6, 54 Stat. 80, related to false statements to influence conduct of foreign governments toward the United States, and is covered by section 954 of Title 18, Crimes and Criminal Procedure.

Section 232, acts June 15, 1917, ch. 30, title VIII, § 2, 40 Stat. 226; Mar. 28, 1940, ch. 72, § 6, 54 Stat. 80, related to wrongful assumption of character of diplomatic or consular officer, and is covered by section 915 of Title 18.

§§ 233 to 233g. Transferred

CODIFICATION

Section 233, act June 15, 1917, ch. 30, title VIII, § 3, 40 Stat. 226, as amended, relating to acting as a foreign agent without notice to the Secretary of State, was transferred to section 601 of this title and was subsequently repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862. See section 951 of Title 18, Crimes and Criminal Procedure.

Section 233a, act June 8, 1938, ch. 327, § 1, 52 Stat. 631, as amended, relating to defining, various terms included in provisions relating to foreign agents and propaganda, was transferred to section 611 of this title.

Section 233b, act June 8, 1938, ch. 327, § 2, 52 Stat. 632, as amended, relating to registration statements, was transferred to section 612 of this title.

Section 233c, act June 8, 1938, ch. 327, § 3, 52 Stat. 632, as amended, relating to exemptions, was transferred to section 613 of this title.

Section 233d, act June 8, 1938, ch. 327, § 4, 52 Stat. 632, as amended, relating to filing and labeling political propaganda, was transferred to section 614 of this title.

Section 233e, act June 8, 1938, ch. 327, § 5, 52 Stat. 633, as amended, relating to books and records, was transferred to section 615 of this title.

Section 233f, act June 8, 1938, ch. 327, § 6, 52 Stat. 633, as amended, relating to public examination of official records, was transferred to section 616 of this title.

Section 233g, act June 8, 1938, ch. 327, §§ 12, 13, as added Apr. 29, 1942, ch. 263, § 1, 56 Stat. 258, relating to separability of provisions and effect on existing law, was transferred and set out as a note under section 611 of this title.

§§ 234, 235. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section 234, act June 15, 1917, ch. 30, title VIII, § 5, 40 Stat. 226, related to conspiracy to injure property of foreign government, and is covered by section 956 of Title 18, Crimes and Criminal Procedure.

Section 235, act June 15, 1917, ch. 30, title VIII, § 4, 40 Stat. 226, related to definition of "Foreign government", and is covered by section 11 of Title 18.

§§ 236 to 245. Transferred

CODIFICATION

Section 236, act Jan. 31, 1922, ch. 44, § 1, 42 Stat. 361, relating to prohibition against exportation of arms to American countries or countries under American jurisdiction in a state of domestic violence, was transferred to section 409 of this title and was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862.

Section 237, act Jan. 31, 1922, ch. 44, § 2, 42 Stat. 361, relating to penalties, was transferred to section 410 of this title and was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862.

Section 238, act June 15, 1917, ch. 30, title VI, § 1, 40 Stat. 223, as amended, relating to illegal exportation of war materials, was transferred to section 401 of this title.

Section 239, act June 15, 1917, ch. 30, title VI, § 2, 40 Stat. 224, relating to issuance of warrant for detention of seized property, was transferred to section 402 of this title and was repealed by act Aug. 13, 1953, ch. 434, § 2, 67 Stat. 577.

Section 240, act June 15, 1917, ch. 30, title VI, § 3, 40 Stat. 224, relating to filing petition for restoration of seized property, was transferred to section 403 of this

title and was repealed by act Aug. 13, 1953, ch. 434, § 2, 67 Stat. 577.

Section 241, act June 15, 1917, ch. 30, title VI, § 4, 40 Stat. 224, as amended, relating to institution of libel proceedings and sale of seized property, was transferred to section 404 of this title and was repealed by act Aug. 13, 1953, ch. 434, § 2, 67 Stat. 577.

Section 242, act June 15, 1917, ch. 30, title VI, § 5, 40 Stat. 224, relating to method of trial and bond for redelivery, was transferred to section 405 of this title and was repealed by act Aug. 13, 1953, ch. 434, § 2, 67 Stat. 577.

Section 243, act June 15, 1917, ch. 30, title VI, § 6, 40 Stat. 225, relating to interference with foreign trade, was transferred to section 406 of this title.

Section 244, act June 15, 1917, ch. 30, title VI, § 7, 40 Stat. 225, relating to the President's discretion to release seized property, was transferred to section 407 of this title and was repealed by act Aug. 13, 1953, ch. 434, § 2, 67 Stat. 577.

Section 245, act June 15, 1917, ch. 30, title VI, § 8, 40 Stat. 225, relating to use of land and naval forces to prevent exportation, was transferred to section 408 of this title.

§§ 245a to 245i. Repealed. Joint Res. Nov. 4, 1939, ch. 2, § 19, 54 Stat. 12

Sections 245a to 245i, Joint Res. Aug. 31, 1935, ch. 837, 49 Stat. 1081; acts Feb. 29, 1936, ch. 106, 49 Stat. 1153; May 1, 1937, ch. 146, 50 Stat. 121, constituted the Neutrality Act of 1935, and are covered by the Neutrality Act of 1939, sections 441, 444, 445, 447 to 451, and 453 to 457 of this title.

§§ 245j to 245j-19. Transferred

CODIFICATION

Section 245j, Joint Res. Nov. 4, 1939, ch. 2, § 1, 54 Stat. 4, relating to a proclamation of a state of war between foreign states, was transferred to section 441 of this title.

Section 245j-1, Joint Res. Nov. 4, 1939, ch. 2, § 2, 54 Stat. 4, relating to commerce with states engaged in armed conflict, was transferred to section 442 of this title and was repealed by Joint Res. Nov. 17, 1941, ch. 473, § 1, 55 Stat. 764.

Section 245j-2, Joint Res. Nov. 4, 1939, ch. 2, § 3, 54 Stat. 7, relating to combat areas, was transferred to section 443 of this title and was repealed by Joint Res. Nov. 17, 1941, ch. 473, § 1, 55 Stat. 764.

Section 245j-3, Joint Res. Nov. 4, 1939, ch. 2, § 4, 54 Stat. 7, as amended, relating to American Red Cross vessels, was transferred to section 444 of this title.

Section 245j-4, Joint Res. Nov. 4, 1939, ch. 2, § 5, 54 Stat. 7, relating to travel on vessels of belligerent states, was transferred to section 445 of this title.

Section 245j-5, Joint Res. Nov. 4, 1939, ch. 2, § 6, 54 Stat. 7, relating to the arming of American merchant vessels, was transferred to section 446 of this title and was repealed by Joint Res. Nov. 17, 1941, ch. 473, § 2, 55 Stat. 764.

Section 245j-6, Joint Res. Nov. 4, 1939, ch. 2, § 7, 54 Stat. 7, as amended, relating to financial transactions, was transferred to section 447 of this title.

Section 245j-7, Joint Res. Nov. 4, 1939, ch. 2, § 8, 54 Stat. 8, relating to solicitation and collection of funds and contributions, was transferred to section 448 of this title.

Section 245j-8, Joint Res. Nov. 4, 1939, ch. 2, § 9, 54 Stat. 8, relating to American republics, was transferred to section 449 of this title.

Section 245j-9, Joint Res. Nov. 4, 1939, ch. 2, § 10, 54 Stat. 9, relating to restrictions on use of American ports, was transferred to section 450 of this title.

Section 245j-10, Joint Res. Nov. 4, 1939, ch. 2, § 11, 54 Stat. 9, relating to submarines and armed merchant vessels, was transferred to section 451 of this title.

Section 245j-11, Joint Res. Nov. 4, 1939, ch. 2, § 12, 54 Stat. 10, relating to the National Munitions Control Board, was transferred to section 452 of this title and was repealed by act Aug. 26, 1954, ch. 937, title V, § 542(a)(12), 68 Stat. 861.

Section 245j-12, Joint Res. Nov. 4, 1939, ch. 2, § 13, 54 Stat. 11, relating to regulations, was transferred to section 453 of this title.

Section 245j-13, Joint Res. Nov. 4, 1939, ch. 2. § 14, 54 Stat. 11, relating to unlawful use of the American flag, was transferred to section 454 of this title.

Section 245j-14, Joint Res. Nov. 4, 1939, ch. 2, § 15, 54 Stat. 11, relating to penalties, was transferred to section 455 of this title.

Section 245j-15, Joint Res. Nov. 4, 1939, ch. 2, § 16, 54 Stat. 12, as amended, relating to defining terms used in neutrality provisions, was transferred to section 456 of this title.

Section 245j-16, Joint Res. Nov. 4, 1939, ch. 2, § 17, 54 Stat. 12, relating to separability of provisions, was transferred to a note set out under section 441 of this title.

Section 245j-17, Joint Res. Nov. 4, 1939, ch. 2, § 18, 54 Stat. 12, relating to appropriations, was transferred to section 457 of this title.

Section 245j-18, Joint Res. Nov. 4, 1939, ch. 2, § 19, 54 Stat. 12, relating to the repeal of earlier Joint Resolutions, was transferred and set out as a note under section 441 of this title.

Section 245j-19, Joint Res. Nov. 4, 1939, ch. 2, § 20, 54 Stat. 12, relating to the short title of this resolution, was transferred and set out as a note under section 441 of this title.

§ 246. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section, act July 8, 1918, ch. 138, 40 Stat. 821, related to wearing of foreign nation's uniform without authority and is now covered by section 703 of Title 18, Crimes and Criminal Procedure.

§ 247. Transferred

CODIFICATION

Section, act Sept. 22, 1922, ch. 414, 42 Stat. 1028, relating to foreign traveling salesmen, was transferred to section 503 of this title.

§ 248. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section, act June 20, 1936, ch. 635, §§ 1, 2, 49 Stat. 1557, related to prohibition against commercial use of arms of Swiss Confederation, and is covered by section 708 of Title 18, Crimes and Criminal Procedure.

§§ 249 to 250f. Transferred

CODIFICATION

Section 249, act Aug. 9, 1939, ch. 616, § 1, 53 Stat. 1290, relating to the utilization of services of government agencies to promote inter-American relations, was transferred to section 501 of this title.

Section 249a, act Aug. 9, 1939, ch. 616, § 2, 53 Stat. 1290, relating to the creation of advisory committees, was transferred to section 502 of this title.

Section 250, act June 15, 1940, ch. 365, § 1, 54 Stat. 396, relating to military and naval assistance to governments of American republics, was transferred to section 521 of this title.

Section 250a, act June 15, 1940, ch. 365, § 2, 54 Stat. 396, relating to transmission of information relating to implements of war, was transferred to section 522 of this title.

Section 250b, act June 15, 1940, ch. 365, § 3, 54 Stat. 397, relating to contract restrictions against disposal of implements of war, was transferred to section 523 of this title.

Section 250c, act June 15, 1940, ch. 365, § 4, 54 Stat. 397, relating to information on shipments to be given chairman of National Munitions Control Board, was transferred to section 524 of this title.

Section 250d, act June 15, 1940, ch. 365, § 5, 54 Stat. 397, relating to appropriations and dispositions of receipts, was transferred to section 525 of this title.

Section 250e, act June 15, 1940, ch. 365, § 6, 54 Stat. 397, relating to protection of patent rights, was transferred to section 526 of this title.

Section 250f, act June 15, 1940, ch. 365, § 7, 54 Stat. 397, relating to purchases of implements of war from American republics, was transferred to section 527 of this title.

CHAPTER 6—FOREIGN DIPLOMATIC AND CONSULAR OFFICERS

Sec.
251. Repealed.
252. Suits against ministers and their domestics prohibited.
253. Penalty for wrongful suit.
254. Exceptions as to suits against servants, etc., of ministers; listing servants.
255. Repealed.
255a, 255b. Omitted.
256. Jurisdiction of consular officers in disputes between seamen.
257. Arrest of seamen; procedure generally.
258. Commitment and discharge.
258a. Enforcement of awards of foreign consuls.
259. Repealed.

§ 251. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section, R.S. § 4062, related to violation of safe conduct, and is covered by sections 112 and 1545 of Title 18, Crimes and Criminal Procedure.

§ 252. Suits against ministers and their domestics prohibited

Whenever any writ or process is sued out or prosecuted by any person in any court of the United States, or of a State, or by any judge or justice, whereby the person of any ambassador or public minister of any foreign prince or State, authorized and received as such by the President, or any domestic or domestic servant of any such minister, is arrested or imprisoned, or his goods or chattels are distrained, seized, or attached, such writ or process shall be deemed void.

(R.S. § 4063.)

Codification

R.S. § 4063 was from act Apr. 30, 1790, ch. 9, § 25, 1 Stat. 117.

Cross References

Supreme Court given exclusive jurisdiction of suits or proceedings against ambassadors, or other public ministers, or their domestics, see section 1251 of Title 28, Judiciary and Judicial Procedure.

Section Referred to in Other Sections

This section is referred to in sections 253, 254 of this title.

§ 253. Penalty for wrongful suit

Whenever any writ or process is sued out in violation of section 252 of this title, every person by whom the same is obtained or prosecuted, whether as party or as attorney or solicitor, and every officer concerned in executing it, shall be deemed a violator of the laws of nations and a disturber of the public repose, and shall be imprisoned for not more than three years, and fined at the discretion of the court.

(R.S. § 4064.)

Codification

R.S. § 4064 was from act Apr. 30, 1790, ch. 9, § 26, 1 Stat. 118.

Section Referred to in Other Sections

This section is referred to in section 254 of this title.

§ 254. Exceptions as to suits against servants, etc., of minister; listing servants

Sections 252 and 253 of this title shall not apply to any case where the person against whom the process is issued is a citizen or inhabitant of the United States, in the service of an ambassador or a public minister, and the process is founded upon a debt contracted before he entered upon such service; nor shall section 253 of this title apply to any case where the person against whom the process is issued is a domestic servant of an ambassador or a public minister, unless the name of the servant has, before the issuing thereof, been registered in the Department of State, and transmitted by the Secretary of State to the marshal of the District of Columbia, who shall upon receipt thereof post the same in some public place in his office. All persons shall have resort to the list of names so posted in the marshal's office, and may take copies without fee.

(R.S. §§ 4065, 4066.)

Codification

R.S. §§ 4065, 4066 were from act Apr. 30, 1790, ch. 9, § 27, 1 Stat. 118.

§ 255. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section, R.S. § 4062, related to assaulting, etc., a foreign minister, and is covered by sections 112 and 1545 of Title 18, Crimes and Criminal Procedure.

§§ 255a, 255b. Omitted

Codification

Sections, act Feb. 15, 1938, ch. 29, §§ 1, 2, 52 Stat. 30, which related to protection for officers and buildings, jurisdiction of offenses and penalties, and permitted picketing, are of particular application to the District of Columbia and are classified as sections 22-1115 and 22-1116 of the District of Columbia Code.

§ 256. Jurisdiction of consular officers in disputes between seamen

Whenever it is stipulated by treaty or convention between the United States and any foreign nation that the consul general, consuls, vice consuls, or consular or commercial agents of each nation, shall have exclusive jurisdiction of controversies, difficulties, or disorders arising at sea or in the waters or ports of the other nation, between the master or officers and any of the crew, or between any of the crew themselves, of any vessel belonging to the nation represented by such consular officer, such stipulations shall be executed and enforced within the jurisdiction of the United States as declared in sections 257 and 258 of this title. But before this section shall take effect as to the vessels of any particular nation having such treaty with the United States, the President shall be satisfied that similar provisions have been made for the execution of such treaty by

the other contracting party, and shall issue his proclamation to that effect, declaring this section to be in force as to such nation.

(R.S. § 4079.)

CODIFICATION

R.S. § 4079 was from act June 11, 1864, ch. 116, § 1, 13 Stat. 121.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 257 of this title.

§ 257. Arrest of seamen; procedure generally

In all cases within the purview of section 256 of this title the consul general, consul, or other consular or commercial authority of such foreign nation charged with the appropriate duty in the particular case, may make application to any court of record of the United States, or to any judge thereof, or to any United States magistrate, setting forth that such controversy, difficulty, or disorder has arisen, briefly stating the nature thereof, and when and where the same occurred, and exhibiting a certified copy or extract of the shipping articles, roll, or other proper paper of the vessel, to the effect that the person in question is of the crew or ship's company of such vessel; and further stating and certifying that such person has withdrawn himself, or is believed to be about to withdraw himself, from the control and discipline of the master and officers of the vessel or that he has refused, or is about to refuse, to submit to and obey the lawful jurisdiction of such consular or commercial authority in the premises; and further stating and certifying that, to the best of the knowledge and belief of the officer certifying, such person is not a citizen of the United States. Such application shall be in writing and duly authenticated by the consular or other sufficient official seal. Thereupon such court, judge, or magistrate shall issue his warrant for the arrest of the person so complained of, directed to the marshal of the United States for the appropriate district, or in his discretion to any person, being a citizen of the United States, whom he may specially depute for the purpose, requiring such person to be brought before him for examination at a certain time and place.

(R.S. § 4080; May 28, 1896, ch. 252, § 19, 29 Stat. 184; Mar. 2, 1901, ch. 814, 31 Stat. 956; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118.)

CODIFICATION

R.S. § 4080 was from act June 11, 1864, ch. 116, § 2, 13 Stat. 121.

Act Mar. 2, 1901, provided in part that all acts or parts of acts applicable to commissioners of the circuit court, except as to appointment and fees, shall be applicable to United States commissioners.

CHANGE OF NAME

Act May 28, 1896, abolished the circuit court and required the district court to appoint persons to be known as United States commissioners.

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

CROSS REFERENCES

Arrest or imprisonment of officers and seamen for desertion not authorized, see section 258 of this title.

District courts or United States commissioners to issue remedial process to carry into effect decrees of any foreign consul, vice consul, or commercial agent, see section 258a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 256, 258 of this title.

§ 258. Commitment and discharge

If, on such examination, it is made to appear that the person so arrested is a citizen of the United States, he shall be forthwith discharged from arrest, and shall be left to the ordinary course of law. But if this is not made to appear, and such court, judge, or magistrate finds, upon the papers referred to in section 257 of this title, a sufficient prima facie case that the matter concerns only the internal order and discipline of such foreign vessel, or whether in its nature civil or criminal, does not affect directly the execution of the laws of the United States, or the rights and duties of any citizen of the United States, he shall forthwith, by his warrant, commit such person to prison, where prisoners under sentence of a court of the United States may be lawfully committed, or, in his discretion, to the master or chief officer of such foreign vessel, to be subject to the lawful orders, control, and discipline of such master or chief officer, and to the jurisdiction of the consular or commercial authority of the nation to which such vessel belongs, to the exclusion of any authority or jurisdiction in the premises of the United States or any State thereof. No person shall be detained more than two months after his arrest, but at the end of that time shall be set at liberty and shall not again be arrested for the same cause. The expenses of the arrest and the detention of the person so arrested shall be paid by the consular officers making the application: *Provided*, That nothing in this section or section 257 of this title shall authorize the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment.

(R.S. § 4081; Mar. 4, 1915, ch. 153, §§ 16, 17, 38 Stat. 1184; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118.)

CODIFICATION

R.S. § 4081 was from act June 11, 1864, ch. 116, § 2, 13 Stat. 121.

CHANGE OF NAME

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 256 of this title.

§ 258a. Enforcement of awards of foreign consuls

The district courts and the United States magistrates shall have power to carry into effect, according to the true intent and meaning thereof, the award or arbitration or decree of any consul, vice consul or commercial agent of any foreign nation, made or rendered by virtue of authority conferred on him as such consul, vice consul, or commercial agent, to sit as judge or arbitrator in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to his charge, application for the exercise of such power being first made to such court or magistrate, by petition of such consul, vice consul, or commercial agent. And said courts and magistrates may issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto by imprisonment in the jail or other place of confinement in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration or decree is complied with, or the parties are otherwise discharged therefrom, by the consent in writing of such consul, vice consul, or commercial agent, or his successor in office, or by the authority of the foreign government appointing such consul, vice consul, or commercial agent. The expenses of the said imprisonment and maintenance of the prisoners, and the cost of the proceedings, shall be borne by such foreign government, or by its consul, vice consul, or commercial agent requiring such imprisonment. The marshals of the United States shall serve all such process, and do all other acts necessary and proper to carry into effect the premises, under the authority of the said courts and magistrates.

(Mar. 3, 1911, ch. 231, § 271, 36 Stat. 1163; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118.)

CODIFICATION

Section was formerly classified to section 393 of Title 28 prior to the general revision and enactment of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, § 1, 62 Stat. 869.

CHANGE OF NAME

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

§ 259. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, act May 31, 1939, ch. 161, 53 Stat. 795, authorized the Secretary of the Army to sell supplies to aircraft operated by any foreign military or air attaché accredited to the United States, and is covered by sections 4626, 4629, 9626, and 9629 of Title 10, Armed Forces.

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261. Policy as to settlement of disputes and disarmament.
262. President's participation in international congresses restricted.
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262b. Commitments for United States contributions to international organizations; limitations; consultation with Congressional committees.
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266. International commission of congresses of navigation; authorization of appropriation for expenses.
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267. Permanent Commission of International Geodetic Association; representative of United States.
267a. Appointment of delegates; compensation.
267b. International Joint Commission; invitation to establish; personnel; duties.
268. International Joint Commission; salaries; powers.
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269. Permanent Association of International Road Congresses; authorization of annual appropriations for membership.
269a. Central Bureau of the International Map of the World on the Millionth Scale; authorization of appropriations.
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271. International Labor Organization; membership.
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272a. Authorization of appropriations.
272b. Loyalty check on United States personnel.
273. Pan American Institute of Geography and History; authorization of annual appropriations for membership.
274. International Council of Scientific Unions and Associated Unions; authorization of annual appropriations for membership.
274a. International biological program.
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274b. Cooperation of Federal and nonfederal departments, agencies, and organizations; transfers of funds.
275. International Hydrographic Bureau.
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276. Bureau of Interparliamentary Union; American group; authorization of appropriations; disbursements.
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SUBCHAPTER I—CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

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276h. United States group; appointment; term; meetings.
276i. Authorization of appropriations; disbursements.
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276aa. Establishment of the Kermit Roosevelt fund; creation and composition of board of trustees.
276bb. Acceptance of funds and property from Mrs. Kermit Roosevelt; purpose and use; disbursement and investment of fund.
276cc. Acceptance of funds and property from other sources; limitation; disbursement and investment.
276dd. Income from property covered into Treasury; disbursement and investment.
276ee. Powers of board; personal liability of members; compensation; decisions reviewable by Secretary of the Army; annual report; jurisdiction of court.

SUBCHAPTER IV—INTERNATIONAL BOUNDARY AND WATER COMMISSION

277. International Boundary Commission, United States and Mexico; study of boundary waters.
277a. Investigations of commission; construction of works or projects.
277b. Works or projects; construction under treaty with Mexico; operation, maintenance and supervision.
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277d-4. Acquisition of properties of Imperial Irrigation District of California.
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277d-6. Douglas-Agua Prieta Sanitation Project; operation by Commission; division of costs; contribution by City of Douglas, Arizona.
277d-7. Authorization for appropriations; availability of prior appropriations; use of moneys received.
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277d-9. Authorization for appropriations; availability of prior appropriations; use of moneys received.
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277d-11. Authorization of appropriations; availability of prior appropriations; use of moneys received.
277d-12. Expenditures for flood lighting, rescue operations, repairs or restoration of flood control works threatened or destroyed by floodwaters of Rio Grande.
277d-13. Authorization for international storage dam on the Rio Grande.
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277d-15. Integration of operation of dam with other United States water conservation activities.
277d-16. Authorization of appropriations.
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277d-29. Rio Grande canalization project; flood and sediment control; agreements authorized; control gates; costs; authorization of appropriations.
277d-30. Lower Rio Grande drainage conveyance canal projects; agreements with Mexico for construction, operation, and maintenance; division of costs; non-Federal assurances of one-half of Federal costs.
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277d-34. American-Mexican Boundary Treaty, authorization for carrying out treaty provisions; investigations; land acquisition, purposes; damages, repair or compensation.
277d-35. Construction, operation, and maintenance of works; property relocation, contracts; transfer of authority.
277d-36. Sale of excess land.
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277d-38. Acquired land, addition to State; State jurisdiction.
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277d-40. Authorization of appropriations.
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279. United States membership in the United Nations Food and Agriculture Organization.
279a. Authorization of appropriations for payment of United States expenses in Organization; limitation of contributions.
279b. Integration of International Institute of Agriculture with Organization.
279c. Congressional authority necessary for acceptance of new obligations in Organization.
279d. Limitation on power of Conference to impose new obligations on United States.

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280. Representation in South Pacific Commission; appointment of commissioners and alternates.
280a. Definitions.
280b. Authorization of appropriations.
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280h. Representation in Caribbean Commission; appointment of commissioners and alternates.
280i. Authorization of appropriations.

SUBCHAPTER IX—PAN AMERICAN RAILWAY CONGRESS

280j. Representation in Congress; appointment of delegates and alternates.
280k. Authorization of appropriations.

SUBCHAPTER X—THE INSTITUTE OF INTER-AMERICAN AFFAIRS

281 to 281b. Omitted.
281b-1. Repealed.
281b-2 to 281j. Omitted.
281k. Repealed.
281*l*. Omitted.

SUBCHAPTER XI—INTERNATIONAL FINANCE CORPORATION

282. Acceptance of membership by United States in International Finance Corporation.
282a. Governor, executive director, and alternates of Corporation.
282b. Applicability of National Advisory Council on International Monetary and Financial Problems; reports.
282c. Congressional authorization needed for certain actions.
282d. Federal Reserve banks as depositories.
282e. Payment of subscriptions to Corporation by United States; dividends covered into Treasury.
282f. Jursidiction and venue of actions.
282g. Status, privileges, and immunities of the United States.
282h. Loans to or from International Bank for Reconstruction and Development; amendment to Articles of Agreement.

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283. Acceptance of membership by United States in Inter-American Development Bank.
283a. Appointment of officers; term of office; salary.
(a) Governor and alternate governor.
(b) Executive director and alternate executive director.
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283b. National Advisory Council on International Monetary and Financial Problems; reports.
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(b) Scope and standards.
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283*l*. Increase in resources of the Fund for Special Operations.
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(b) Authorization of appropriations.
(c) Loan disapproval by the United States.
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283u. Membership in the Bank for the Bahamas and Guyana.
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283w. Increase in authorized capital stock of Bank and increase in resources of Fund for Special Operations; United States share; authorization of appropriations.
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(b) Report to Congress on direct benefits to people residing in countries violating human rights.
(c) Investigation of violations by international organizations.
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284. Acceptance of membership by United States in International Development Association.
284a. Governor, executive director, and alternates of Association.
284b. National Advisory Council on International Monetary and Financial Problems; reports.
284c. Congressional authorization needed for certain actions.
284d. Federal Reserve banks as depositories.
284e. Payment of subscription to Association by United States.
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(b) Increase in Association resources; contribution; authorization of appropriations.
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284h. Increased United States participation in Association activities; authorization of appropriations.
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285. Acceptance of membership by United States in Asian Development Bank.
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286b. National Advisory Council on International Monetary and Financial Problems.
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(b) Duties and functions; reports by Council.
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286b-1. Annual report to Congress of National Advisory Council on International Monetary and Financial Policies; contents.
286c. Congressional authorization needed for certain actions.
286d. Federal Reserve banks as depositories.
286e. Payment of subscriptions to Fund and Bank by United States; issuance of special notes; income covered into Treasury.
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286f. Obtaining and furnishing information to the Fund.
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(c) Penalty for unlawful disclosures.
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286k-2. Suspension of right of International Bank to issue securities under section 286k-1; report of Securities and Exchange Commission.
286l. British loan; authorization to Secretary of Treasury to carry out agreement.
286m. Amount of loan; public-debt transaction; disposition of interest payments.
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(a) Appointment of representative; rank, status and tenure; duties.
(b) Appointment of additional representatives; rank, status and tenure; duties; reappointment unnecessary.
(c) Appointment of special and alternate representatives; number; senior representative; duties.
(d) Additional appointees; conditions governing certain appointments; designation of certain State Department officers to sit on Security Council.
(e) Appointment of representative to European office of United Nations; rank, status and tenure; duties.
(f) Representation by President or Secretary of State.
(g) Compensation.
287a. Action by representatives in accordance with Presidential instructions; voting.
287b. Reports to Congress by President.
287c. Enforcement of economic and communication sanctions; penalties.
287d. Use of armed forces; limitations.
287d-1. Noncombatant assistance to United Nations.
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(b) Reimbursement from United Nations; waiver of reimbursement.
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287e-1. Housing supplement for certain employees assigned to the United States Mission to the United Nations.
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287h. Limitation on loan.
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287i. Deduction of principal and interest from annual payment of assessed share of United States of budget.
287j. Participation in future United Nations borrowing; promotion of pattern of financing to avoid future large-scale deficits; report to Congress.
287k. Congressional expression of satisfaction that expenditures relating to operations in Middle East and in the Congo are "expenses of the Organization".
287l. Congressional declaration that United Nations take steps to give effect to advisory opinion of International Court of Justice on financial obligations of members.

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287o. National Commission on Educational, Scientific, and Cultural Cooperation; membership; meetings; expenses.
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287q. General and special conferences; expenses; acceptance of services and gifts or bequests of money or materials.
287r. Authorization of appropriations; payment of expenses.
287s. Amendments to constitution of Organization involving new obligations.
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288. Definition of "international organization"; authority of President.
288a. Privileges, exemptions, and immunities of international organizations.
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288e. Personnel entitled to benefits.
(a) Notification to and acceptance by Secretary of State of personnel.
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288f-1. European Space Research Organization; extension of privileges, exemptions, and immunities to members.
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288h. Commission of European Communities; extension of privileges and immunities to members.
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SUBCHAPTER XIX—INTERNATIONAL REFUGEE ORGANIZATION

289. Acceptance of membership by the United States; conditions.
289a. Designation of representative and alternates; compensation.
289b. Authorization of appropriations; payment of salaries and expenses.

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289c. Transfer of funds; furnishing supplies and services; additional employees: accounting for reimbursements.
289d. Omitted.

SUBCHAPTER XX—WORLD HEALTH ORGANIZATION

290. Acceptance of membership by the United States.
290a. Designation of representatives and alternates; compensation; loyalty checkup.
290b. Authorization of appropriations; payment of salaries and expenses.
290c. Withdrawal from Organization on one-year notice.
290d. Enactment of specific legislation by Congress.
290e. Congressional declaration of policy.
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290f. Inter-American Foundation.
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(b) Congressional declaration of purpose.
(c) Programs and projects to achieve purposes.
(d) Coordination of activities with national and international agencies.
(e) Powers and functions.
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(i) Board; authority.
(j) Rules and regulations; quorum of the Board.
(k) Authority of the Board to appoint committees.
(l) President of Foundation: appointment and compensation; employment of experts and consultants.
(m) Establishment of Council; consultation by the Board; reimbursement of expenses of members of the Council.
(n) Nonprofit nature of the Foundation; conflict of interests.
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(p) Service of employees of other agencies in the Foundation; rights and privileges.
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290g. African Development Fund; United States participation.
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290g-2. Law governing reports to the President and the Congress.
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290g-4. Authorization of appropriations; repayments and distributions from Fund to Treasury.
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290g-7. Force and effect of agreement; deposit of documents by the President; reservation of right to tax salaries and emoluments paid by the Fund to United States citizens or nationals.
290g-8. Presidential instructions to United States Governor of the Fund to veto any use of funds to benefit a country pursuing a detrimental economic policy against United States interests; exceptions.
290g-9. Gross violations of internationally recognized human rights.
(a) Veto against any loan or extension of financial or technical assistance to a country engaged in a pattern of human rights violations; direct benefit exception.
(b) Maintenance of standard; report to Congress by the United States Governor of the Bank; contents.
(c) Congressional considerations of eligibility for assistance; investigation by international organizations of alleged violations of human rights.

§ 261. Policy as to settlement of disputes and disarmament

It is declared to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided. It looks with apprehension and disfavor upon a general increase of armament throughout the world, but it realizes that no single nation can disarm, and that without a common agreement upon the subject every considerable power must maintain a relative standing in military strength.

(Aug. 29, 1916, ch. 417, 39 Stat. 618.)

§ 262. President's participation in international congresses restricted

The Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event, without first having specific authority of law to do so.

(Mar. 4, 1913, ch. 149, § 1, 37 Stat. 913.)

§ 262a. Contributions to international organizations; consent of State Department; reports to Congress; limitations as to certain organizations

All financial contributions by the United States to the normal operations of the international organizations covered by this Act, which member states are obligated to support annually, shall be limited to the amounts provided in this Act: *Provided*, That contributions for special projects not regularly budgeted by such international organizations shall not be subject to the above limitation.

All financial contributions by the United States to international organizations in which the United States participates as a member shall be made by or with the consent of the Department of State regardless of the appropriation from which any such contribution is made. The Secretary of State shall report annually to the Congress on the extent and disposition of such contributions.

(Sept. 21, 1950, ch. 976, § 2, 64 Stat. 903.)

REFERENCES IN TEXT

This Act, referred to in text, is act Sept. 21, 1950, ch. 976, 64 Stat. 903, which enacted section 262a of this title, and amended sections 269b, 272a, 279a, 280b, 290b of this title. For complete classification of this Act to the Code, see Tables volume.

The international organizations covered by this Act, referred to in text, are the Inter-American Children's Institute, the International Labor Organization, the United Nations Food and Agriculture Organization, the South Pacific Commission, and the World Health Organization.

§ 262b. Commitments for United States contributions to international organizations; limitations; consultation with Congressional committees

No representative of the United States Government in any international organization hereafter shall make any commitment requiring the appropriation of funds for a contribution by the United States in excess of 33⅓ per centum of the budget of any international organization for which the appropriation for the United States contribution is contained in this Act: *Provided*, That in exceptional circumstances necessitating a contribution by the United States in excess of 33⅓ per centum of the budget, a commitment requiring a United States appropriation of a larger proportion may be made after consultation by United States representatives in the organization or other appropriate officials of the Department of State with the Committees on Appropriations of the Senate and House of Representatives: *Provided, however*, That this section shall not apply to the United States representatives to the Inter-American organizations, Caribbean Commission and the Joint Support program of the International Civil Aviation Organization.

(Oct. 22, 1951, ch. 533, title VI, § 602, 65 Stat. 599; July 10, 1952, ch. 651, title I, § 101, 66 Stat. 550; Aug. 5, 1953, ch. 328, title I, § 101, 67 Stat. 368.)

REFERENCES IN TEXT

This Act, referred to in text, is a composite of acts Oct. 22, 1951, and July 10, 1952, and means act Oct. 22, 1951, ch. 533, title VI, 65 Stat. 599, popularly known as the Departments of State, Justice, Commerce and Judiciary Appropriation Act of 1952, and act July 10, 1952, ch. 651, title I, 66 Stat. 550, popularly known as the Departments of State, Justice, Commerce, and Judiciary Appropriation Act of 1953. For complete classification of these Acts to the Code, see Tables volume.

CODIFICATION

Provisions which prohibited representatives of the United States Government to any international organization of which the United States was not a member in 1952 from making any commitment requiring the appropriation of funds for a contribution by the United States in excess of 33⅓ percent of the budget of such international organization, which provisions were from the Departments of State, Justice, Commerce, and Judiciary Appropriation Act, 1953, were omitted since they were not repeated in subsequent appropriation acts.

This section is a composite of several Departments of State, Justice, Commerce, and Judiciary Appropriation acts. See References in Text note above.

AMENDMENTS

1953—Act Aug. 5, 1953 added proviso that this section is not to apply to the United States representatives to the Caribbean Commission and the Joint Support program of the International Civil Aviation Organization.

§ 263. International Prison Commission

The United States shall continue as an adhering member of the International Prison Commission and participate in the work of said commission.

The Secretary of the Treasury be, and he is hereby, authorized annually to pay the pro rata share of the United States in the administration expenses of the International Prison Commission and the necessary expenses of a commissioner to represent the United States on said commission at its annual meetings, together with necessary clerical and other expenses, out of any money which shall be appropriated for such purposes from time to time by Congress.

(Feb. 28, 1913, ch. 86, 37 Stat. 692.)

§ 263a. International Criminal Police Organization

The Attorney General is authorized to accept and maintain, on behalf of the United States, membership in the International Criminal Police Organization, and to designate any departments and agencies which may participate in the United States representation with that organization. Each participating department and agency is authorized to pay its pro rata share, as determined by the Attorney General, of the expenses of such membership. The total dues to be paid for the membership of the United States shall not exceed $120,000 per annum.

(June 10, 1938, ch. 335, 52 Stat. 640; Aug. 27, 1958, Pub. L. 85-768, 72 Stat. 921; Nov. 28, 1967, Pub. L. 90-159, 81 Stat. 517; Aug. 10, 1972, Pub. L. 92-380, § 1, 86 Stat. 531; Oct. 24, 1974, Pub. L. 93-468, § 1, 88 Stat. 1422.)

AMENDMENTS

1974—Pub. L. 93-468 substituted "$120,000" for "$80,000".

1972—Pub. L. 92-380 substituted "$80,000" for "$28,500".

1967—Pub. L. 90-159 increased from $25,000 to $28,500 per annum the amount of expenses which may be incurred by reason of United States membership.

1958—Pub. L. 85-768 authorized the Attorney General to designate departments and agencies which may participate, on a pro rata share basis, in the United States representation with the International Criminal Police Organization, and increased from $1,500 to $25,000 per annum the amount of expenses which may be incurred by reason of United States membership.

§§ 264, 265. Omitted

CODIFICATION

Section 264, act Aug. 18, 1894, ch. 301, § 1, 28 Stat. 418, related to the Pan American Union, and has been superseded by Convention of 1928, ratified by the United States and providing that the government of the Pan American Union should be vested in a governing board.

Section 265, act Jan. 25, 1929, ch. 102, title I, 45 Stat. 1102, which was from an appropriation act, related to disposition of receipts of Pan American Union, and was not repeated in subsequent appropriation acts.

§ 266. International commission of congresses of navigation; authorization of appropriation for expenses

The sum of $3,000 a year is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the support and maintenance of the permanent international commission of the congresses of navigation and for the payment of the actual expenses of the properly accredited national delegates of the United States to the meetings of the congresses and of the commission; and the Secretary of the Army is authorized to draw his warrant each year upon the Secretary of the Treasury for such sum, not to exceed $3,000, as may in his opinion be proper to apply to the purposes above mentioned, and the said sum shall be disbursed under such regulations as may be prescribed by the Secretary of the Army.

The national delegates aforesaid from the United States shall serve without compensation, but shall be reimbursed for their actual expenses incurred while traveling to and from the meetings, and while in attendance thereon, from the funds appropriated in this section and authorized to be expended.

(June 28, 1902, ch. 1306, 32 Stat. 485; June 26, 1934, ch. 756, § 2, 48 Stat. 1225.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

AMENDMENTS

1934—Act June 6, 1934, eff. July 1, 1935, repealed the permanent appropriation formerly contained in this section and provided for the authorization of an annual appropriation in the same amount as the permanent appropriation. See section 725a of Title 31, Money and Finance.

§ 266a. Transferred

CODIFICATION

Section, act Feb. 14, 1931, ch. 189, 46 Stat. 1162, relating to appropriations for expenses of participation in the International Technical Committee of Aerial Legal Experts, was transferred to section 231 of Title 49, Transportation.

§ 266b. Repealed. June 11, 1940, ch. 306, 54 Stat. 263

Section, Joint Res. Aug. 7, 1935, ch. 455, § 2, 49 Stat. 540, related to termination of Authorizations for Participation in Work of Committee of International Technical Aerial Legal Experts.

§ 267. Permanent Commission of International Geodetic Association; representative of United States

The duly appointed representative of the United States on the permanent commission of the International Geodetic Association is granted authority to vote with the representatives on the permanent commission from other nations on all matters coming before the association, including the extension of its existence, subject to the approval of Congress.

(Mar. 3, 1917, ch. 161, 39 Stat. 1055.)

§ 267a. Appointment of delegates; compensation

The President is authorized to appoint delegates, who shall be officers of the National Ocean Survey, to attend the meetings of the International Geodetic Association whenever and wheresoever the same shall be held; but no extra salary or additional compensation shall be paid to such officers by reason of such attendance.

(July 23, 1894, No. 37, 28 Stat. 587.)

CHANGE OF NAME

The Coast and Geodetic Survey was consolidated with the National Weather Bureau in 1965 to form the Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. The Environmental Science Services Administration was abolished in 1970 and its personnel, property, records, etc., were transferred to the National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of the Acting Associate Administrator of the National Oceanic and Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, the Coast and Geodetic Survey was redesignated the National Ocean Survey. See notes under section 311 of Title 15, Commerce and Trade.

§ 267b. International Joint Commission; invitation to establish; personnel; duties

The President of the United States is requested to invite the Government of Great Britain to join in the formation of an international commission, to be composed of three members from the United States and three who shall represent the interests of the Dominion of Canada, whose duty it shall be to investigate and report upon the conditions and uses of the waters adjacent to the boundary lines between the United States and Canada, including all of the waters of the lakes and rivers whose natural outlet is by the River Saint Lawrence to the Atlantic Ocean; also upon the maintenance and regulation of suitable levels; and also upon the effect upon the shores of these waters and the structures thereon, and upon the interests of navigation, by reason of the diversion of these waters from or change in their natural flow; and, further, to report upon the necessary measures to regulate such diversion, and to make such recommendations for improvements and regulations as shall best subserve the interests of navigation in said waters. The said commissioners shall report upon the advisability of locating a dam at the outlet of Lake Erie, with a view to determining whether such dam will benefit navigation, and if such structure is deemed advisable, shall make recommendations to their respective Governments looking to an agreement or treaty which shall provide for the construction of the same, and they shall make an estimate of the probable cost thereof. The President, in selecting the three members of said Commission who shall represent the United States, is authorized to appoint one officer of the Corps of Engineers of the United States Army, one civil engineer well versed in the hydraulics of the Great Lakes, and one lawyer of experience in questions of international and riparian law, and said Commission shall be authorized to employ such persons as it

may deem needful in the performance of the duties hereby imposed.

(June 13, 1902, ch. 1079, § 4, 32 Stat. 373.)

CODIFICATION

Provisions relating to the payment of salaries and expenses of the International Joint Commission were omitted as obsolete. The payment of salaries of the United States members of the International Joint Commission is now covered by section 268 of this title.

ESTABLISHMENT OF COMMISSION

The International Joint Commission was organized in 1911 pursuant to article VII of the treaty of January 11, 1909, with Great Britain, 36 Stat. 2448.

WATER RESOURCES PLANNING

Jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, unaffected by Water Resources Planning Act, see section 1962–1 of Title 42, The Public Health and Welfare.

PASSAMAQUODDY TIDAL POWER PROJECT

Joint Res. Jan. 31, 1956, ch. 27, 70 Stat. 9, provided:

"SEC. 1. [Final survey of costs and feasibility.] That the International Joint Commission created by the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington on January 11, 1909, under the provisions of such treaty, be requested by the Secretary of State to arrange for a final survey to be made to determine the cost of construction of the proposed Passamaquoddy tidal power project at Passamaquoddy Bay in the State of Maine, United States of America, and the Province of New Brunswick, Dominion of Canada, and to determine whether or not such cost would allow hydroelectric power to be produced at a price that is economically feasible, and also to determine what contribution such project would make to the national economy and the national defense.

"SEC. 2. [Use of reports.] The survey provided for in the first section shall make use of the report (dated March 15, 1950) made by the International Passamaquoddy Engineering Board to the International Joint Commission, and with the supplemental report (dated May 1952) on details of estimate of cost of comprehensive investigation of Passamaquoddy tidal power project by Corps of Engineers, United States Army.

"SEC. 3. [Agency assistance.] The Secretary of the Army, the Federal Power Commission, and other officers and agencies of the Government of the United States are authorized to assist the International Joint Commission in the making of such survey, and shall be compensated for any work performed pursuant to this section out of such funds as may hereafter be appropriate for use by the International Joint Commission in carrying out this joint resolution.

"SEC. 4. [Report by Secretary.] The Secretary of State shall report the results of such survey to the Congress of the United States.

"SEC. 5. [Appropriation.] There is authorized to be appropriated not to exceed $3,000,000 to carry out this joint resolution, and any sum appropriated pursuant to this section shall be included in any determination of the proportionate share of the cost of construction of the Passamaquoddy tidal power project to be borne by the United States.

"SEC. 6. [Restriction.] Nothing in this joint resolution or the survey authorized herein shall in any way commit the Congress or the Government of the United States as to future action on construction of any such project."

§ 268. International Joint Commission; salaries; powers

The salaries of the members on the part of the United States, of the International Joint Commission, established under the treaty of January 11, 1909, between the United States and Great Britain, relating to boundary waters between the United States and Canada, shall be fixed by the President. Said commission or any member thereof shall have power to administer oaths and to take evidence on oath whenever deemed necessary in any proceeding or inquiry or matter within its jurisdiction under said treaty, and said commission shall be authorized to compel the attendance of witnesses in any proceedings before it or the production of books and papers when necessary by application to the district court of the United States for the district within which such session is held, which court is hereby empowered and directed to make all orders and issue all processes necessary and appropriate for that purpose.

(Mar. 4, 1911, ch. 285, § 1, 36 Stat. 1364.)

FEDERAL RULES OF CIVIL PROCEDURE

Subpoena, see rule 45, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 268a. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 650

Section, act May 14, 1940, ch. 189, title I, § 101, 54 Stat. 191, related to compensation and travel expenses of the International Joint Commission.

§ 269. Permanent Association of International Road Congresses; authorization of annual appropriations for membership

There is hereby authorized to be appropriated, out of any sums in the Treasury not otherwise appropriated, not exceeding $3,000 per annum to enable the United States to accept membership in the Permanent Association of International Road Congresses.

(June 18, 1926, ch. 623, 44 Stat. 754.)

§ 269a. Central Bureau of the International Map of the World on the Millionth Scale; authorization of appropriations

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, an annual sum of $50 as a contribution on the part of the United States toward the expenses incurred by the Central Bureau of the International Map of the World on the Millionth Scale.

(July 20, 1949, ch. 354, title I, § 101, 63 Stat. 449.)

SIMILAR PROVISIONS

The text of this section was taken from Department of State, Justice, Commerce, and the Judiciary Appropriation Act, 1950. Similar provisions were contained in the following acts:

June 3, 1948, ch. 400, title I, § 101, 62 Stat. 308.
July 9, 1947, ch. 211, title I, § 101, 61 Stat. 282.
July 5, 1946, ch. 541, title I, § 101, 60 Stat. 453.
May 21, 1945, ch. 129, title I, 59 Stat. 175.
June 28, 1944, ch. 294, title I, 58 Stat. 402.
July 1, 1943, ch. 182, title I, 57 Stat. 278.
July 2, 1942, ch. 472, title I, 56 Stat. 475.
June 28, 1941, ch. 258, title I, 55 Stat. 272.
May 14, 1940, ch. 189, title I, 54 Stat. 188.
June 29, 1939, ch. 248, title I, 53 Stat. 892.
Apr. 27, 1938, ch. 180, title I, 52 Stat. 254.
June 16, 1937, ch. 359, title I, 50 Stat. 267.
May 15, 1936, ch. 405, title I, 49 Stat. 1316.
Mar. 22, 1935, ch. 39, title I, 49 Stat. 73.

Apr. 7, 1934, ch. 104, title I, 48 Stat. 534.
Mar. 1, 1933, ch. 144, title I, 47 Stat. 1376.
July 1, 1932, ch. 361, title I, 47 Stat. 486.
Feb. 23, 1931, ch. 280, title I, 46 Stat. 1309.
June 27, 1930, ch. 652, 46 Stat. 825.
Apr. 18, 1930, ch. 184, title I, 46 Stat. 173.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following acts:
July 14, 1976, Pub. L. 94-362, title I, § 101, 90 Stat. 938.
Oct. 21, 1975, Pub. L. 94-121, title I, § 101, 89 Stat. 613.
Oct. 5, 1974, Pub. L. 93-433, title I, § 101, 88 Stat. 1188.
Nov. 27, 1973, Pub. L. 93-162, title I, § 101, 87 Stat. 637.
Oct. 25, 1972, Pub. L. 92-544, title I, § 101, 86 Stat. 1110.
Aug. 10, 1971, Pub. L. 92-77, title I, § 101, 85 Stat. 247.
Oct. 21, 1970, Pub. L. 91-472, title I, § 101, 84 Stat. 1041.
Dec. 24, 1969, Pub. L. 91-153, title I, § 101, 83 Stat. 404.
Aug. 9, 1968, Pub. L. 90-470, title I, § 101, 82 Stat. 669.
Nov. 8, 1967, Pub. L. 90-133, title I, § 101, 81 Stat. 412.
Nov. 8, 1966, Pub. L. 89-797, title I, § 101, 80 Stat. 1480.
Sept. 2, 1965, Pub. L. 89-164, title I, § 101, 79 Stat. 621.
Aug. 31, 1964, Pub. L. 88-527, title I, § 101, 78 Stat. 712.
Dec. 30, 1963, Pub. L. 88-245, title I, § 101, 77 Stat. 777.
Oct. 18, 1962, Pub. L. 87-843, title I, § 101, 76 Stat. 1081.
Sept. 21, 1961, Pub. L. 87-264, title I, § 101, 75 Stat. 546.
Aug. 31, 1960, Pub. L. 86-678, title I, § 101, 74 Stat. 557.
July 13, 1959, Pub. L. 86-84, title I, § 101, 73 Stat. 183.
June 30, 1958, Pub. L. 85-474, title I, § 101, 72 Stat. 246.
June 11, 1957, Pub. L. 85-49, title I, § 101, 71 Stat. 56.
June 20, 1956, ch. 414, title I, § 101, 70 Stat. 301.
July 7, 1955, ch. 279, title I, § 101, 69 Stat. 265.
July 2, 1954, ch. 456, title I, § 101, 68 Stat. 414.
Aug. 5, 1953, ch. 328, title I, § 101, 67 Stat. 368.
July 10, 1952, ch. 651, title I, § 101, 66 Stat. 550.
Oct. 22, 1951, ch. 533, title I, § 101, 65 Stat. 577.
Sept. 6, 1950, ch. 896, Ch. III, title I, § 101, 64 Stat. 610.

§ 269b. Inter-American Children's Institute; authorization of appropriations

In order to meet the obligations of the United States as a member of the Inter-American Children's Institute, there is hereby authorized to be appropriated to the Department of State for the fiscal years 1963 and 1964 such sums not to exceed $50,000 per fiscal year, as may be necessary for the payment by the United States of its share of the expenses of the Institute, as apportioned in accordance with the statutes of the Institute.

(May 3, 1928, ch. 489, 45 Stat. 487; Sept. 21, 1950, ch. 976, § 1(a), 64 Stat. 902; July 27, 1956, ch. 750, 70 Stat. 696; Feb. 16, 1960, Pub. L. 86-384, 74 Stat. 3; Oct. 4, 1961, Pub. L. 87-365, 75 Stat. 784.)

AMENDMENTS

1961—Pub. L. 87-365 substituted fiscal years "1963 and 1964" for "1961 and 1962".

1960—Pub. L. 86-384 substituted "Inter-American Children's Institute" for "American International Institute for the Protection of Childhood", and "appropriated to the Department of State for the fiscal years 1961 and 1962 such sums not to exceed $50,000 per fiscal year" for "appropriated annually to the Department of State such sums, not to exceed $25,000 per annum".

1956—Act July 27, 1956, increased authorized annual appropriations from $10,000 to $25,000, and reworded section, formerly consisting of subsecs. (a) and (b), eliminating provisions of former subsec. (a), which authorized $24,000 for contributions from 1946 to 1949.

1950—Joint Res. Sept. 21, 1950, increased the authorized annual appropriations from $2,000 to $10,000 and authorized $24,000 for contributions from 1946 to 1949.

LIMITATION OF CONTRIBUTIONS

Contributions by United States, except for special projects, limited to amount provided by Joint Res. Sept. 21, 1950; consent by State Department and reports to Congress, see section 262a of this title.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following Department of State Appropriations Acts:
July 14, 1976, Pub. L. 94-362, title I, § 101, 90 Stat. 938.
Oct. 21, 1975, Pub. L. 94-121, title I, § 101, 89 Stat. 613.
Oct. 5, 1974, Pub. L. 93-433, title I, § 101, 88 Stat. 1188.
Nov. 27, 1973, Pub. L. 93-162, title I, § 101, 87 Stat. 637.
Oct. 25, 1972, Pub. L. 92-544, title I, § 101, 86 Stat. 1110.
Aug. 10, 1971, Pub. L. 92-77, title I, § 101, 85 Stat. 247.
Oct. 21, 1970, Pub. L. 91-472, title I, § 101, 84 Stat. 1041.
Dec. 24, 1969, Pub. L. 91-153, title I, § 101, 83 Stat. 404.
Aug. 9, 1968, Pub. L. 90-470, title I, § 101, 82 Stat. 669.
Nov. 8, 1967, Pub. L. 90-133, title I, § 101, 81 Stat. 412.
Nov. 8, 1966, Pub. L. 89-797, title I, § 101, 80 Stat. 1480.
Sept. 2, 1965, Pub. L. 89-164, title I, § 101, 79 Stat. 621.
Aug. 31, 1964, Pub. L. 88-527, title I, § 101, 78 Stat. 712.
Dec. 30, 1963, Pub. L. 88-245, title I, § 101, 77 Stat. 777.
Oct. 18, 1962, Pub. L. 87-843, title I, § 101, 76 Stat. 1081.
Sept. 21, 1961, Pub. L. 87-264, title I, § 101, 75 Stat. 546.
Aug. 31, 1960, Pub. L. 86-678, title I, § 101, 74 Stat. 557.
July 13, 1959, Pub. L. 86-84, title I, § 101, 73 Stat. 183.
June 30, 1958, Pub. L. 85-474, title I, § 101, 72 Stat. 246.
June 11, 1957, Pub. L. 85-49, title I, § 101, 71 Stat. 56.
June 20, 1956, ch. 414, title I, § 101, 70 Stat. 301.
July 7, 1955, ch. 279, title I, § 101, 69 Stat. 265.
July 2, 1954, ch. 456, title I, § 101, 68 Stat. 414.
Aug. 5, 1953, ch. 328, title I, § 101, 67 Stat. 368.
July 10, 1952, ch. 651, title I, § 101, 66 Stat. 550.
Oct. 22, 1951, ch. 533, title I, § 101, 65 Stat. 577.
Sept. 6, 1950, ch. 896, ch. III, title I, § 101, 64 Stat. 610.
July 20, 1949, ch. 354, title I, § 101, 63 Stat. 449.
June 3, 1948, ch. 400, title I, § 101, 62 Stat. 308.
July 9, 1947, ch. 211, title I, § 101, 61 Stat. 282.

July 5, 1946, ch. 541, title I, § 101, 60 Stat. 453.
May 21, 1945, ch. 129, title I, 59 Stat. 175.
June 28, 1944, ch. 294, title I, 58 Stat. 402.
July 1, 1943, ch. 182, title I, 57 Stat. 278.
July 2, 1942, ch. 472, title I, 56 Stat. 475.
June 28, 1941, ch. 258, title I, 55 Stat. 272.
May 14, 1940, ch. 189, title I, 54 Stat. 188.
June 29, 1939, ch. 248, title I, 53 Stat. 892.
Apr. 27, 1938, ch. 180, title I, 52 Stat. 254.
June 16, 1937, ch. 359, title I, 50 Stat. 267.
May 15, 1936, ch. 405, title I, 49 Stat. 1315.
Mar. 22, 1935, ch. 39, title I, 49 Stat. 73.
Apr. 7, 1934, ch. 104, title I, 48 Stat. 534.
Mar. 1, 1933, ch. 144, title I, 47 Stat. 1376.
July 1, 1932, ch. 361, title I, 47 Stat. 485.
Feb. 23, 1931, ch. 280, title I, 46 Stat. 1309.
Apr. 18, 1930, ch. 184, title I, 46 Stat. 173.
Jan. 25, 1929, ch. 102, title I, 45 Stat. 1106.

§ 269c. International Statistical Bureau at The Hague; authorization of appropriations

There is hereby authorized to be appropriated, out of any sums in the Treasury not otherwise appropriated, sums not exceeding $2,500 per annum to enable the United States to maintain membership in the International Statistical Bureau at The Hague, such sums to be expended under the direction of the Secretary of State.

(Apr. 28, 1924, ch. 136, 43 Stat. 112.)

§ 269d. Inter American Statistical Institute; authorization of appropriations

To enable the United States to become an adhering member of the Inter American Statistical Institute, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be required for expenditure under the direction of the Secretary of State, for the payment of the share of the United States toward the support of the Institute: *Provided*, That (1) the membership dues of the United States payable for any fiscal year shall not be paid unless, during the preceding fiscal year, at least eight other American nations shall have been in good standing as adhering members, and unless at least eight of such other adhering members for the last preceding year for which such members were respectively obligated to pay dues shall have paid dues which aggregated at least $10,000, and (2) the total cost to the United States for any fiscal year, for adhering membership, shall not exceed $35,000.

(Jan. 27, 1942, ch. 22, 56 Stat. 20; July 2, 1945, ch. 218, 59 Stat. 311.)

AMENDMENTS

1945—Act July 2, 1945, substituted the single proviso for two provisos.

§ 269e. Omitted

CODIFICATION

Section, acts July 10, 1952, ch. 651, title I, § 101, 66 Stat. 551; Aug. 5, 1953, ch. 328, title I, § 101, 67 Stat. 368; July 2, 1954, ch. 456, title I, § 101, 68 Stat. 415; July 7, 1955, ch. 279, title I, § 101, 69 Stat. 266; June 20, 1956, ch. 414, title I, § 101, 70 Stat. 301, related to availability of funds for United States participation in the International Civil Aviation Organization, and was from annual Department of State Appropriation Acts. Similar provisions were made permanent, and are classified to section 2673 of this title.

§ 269f. International Bureau of Intellectual Property; authorization of appropriations

There is hereby authorized to be appropriated to the Department of State (a) the sum of $10,514 for payment by the United States of certain contributions for the support of the International Bureau of Intellectual Property for the period beginning July 1, 1950, and extending through the fiscal year expiring June 30, 1959; and

(b) Such sums as may be required for the payment by the United States of its proportionate share of the expenses of said international bureau as determined under article 16(4) of the Paris Convention for the Protection of Industrial Property, as revised, except that in no event shall the payment for any year exceed 4.5 per centum of all expenses of the bureau apportioned among countries for that year.

(Pub. L. 86-614, July 12, 1960, 74 Stat. 381; Pub. L. 88-69, July 19, 1963, 77 Stat. 82; Pub. L. 92-511, Oct. 20, 1972, 86 Stat. 918.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92-511, § 1(1), substituted "International Bureau of Intellectual Property" for "International Bureau for the Protection of Industrial Property".

Subsec. (b). Pub. L. 92-511, § 1(2), substituted provisions authorizing appropriation of sums as determined under article 16(4) of the Paris Convention for the Protection of Industrial Property up to a maximum of 4.5 percent of the total expenses apportioned among member countries, for provisions authorizing appropriation of sums for payment by the United States of its proportionate share not exceeding $15,000 annually.

1963—Pub. L. 88-69 increased the limitation on the annual appropriation authorization from $7,250 to $15,000.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in the International Bureau of Intellectual Property Property were contained in the following Department of State Appropriation Acts:

Pub. L. 94-362, title I, § 101, July 14, 1976, 90 Stat. 938.
Pub. L. 94-121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.
Pub. L. 93-433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.
Pub. L. 93-162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.
Pub. L. 92-544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.
Pub. L. 92-77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.
Pub. L. 91-472, title I, § 101, Oct. 21, 1970, 84 Stat. 1041.

§ 269g. Private International Law Conference at The Hague and Private Law International Institute in Rome; membership; appointment of delegates

The President is hereby authorized to accept membership for the Government of the United States in (1) the Hague Conference on Private International Law and (2) the International (Rome) Institute for the Unification of Private Law, and to appoint the United States delegates and their alternates to meetings of the two organizations, and the committees and organs thereof.

(Pub. L. 88-244, § 1, Dec. 30, 1963, 77 Stat. 775.)

§ 269g-1. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for the payment by the United States of its proportionate share of the expenses of the Hague Conference on Private International Law and of the International (Rome) Institute for the Unification of Private Law, except that in no event shall any payment of the United States to the Conference or the Institute for any year exceed 7 per centum of all expenses apportioned among members of the Conference or the Institute, as the case may be, for that year.

(Pub. L. 88-244, § 2, Dec. 30, 1963, 77 Stat. 775; Pub. L. 92-497, Oct. 17, 1972, 86 Stat. 814.)

AMENDMENTS

1972—Pub. L. 92-497 substituted provisions authorizing to be appropriated such sums as may be necessary for the payment of the United States of its proportionate share, except that no payment of the United States for any year shall exceed 7 per centum of all expenses apportioned among members for that year, for provisions authorizing to be appropriated such sums as may be necessary, not to exceed $25,000 annually, for the payment by the United States of its proportionate share.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in the International Institute for the Unification of Private International Law and the Hague Conference on Private International Law were contained in the following Department of State Appropriations Acts:

Pub. L. 94-362, title I, § 101, July 14, 1976, 90 Stat. 938.

Pub. L. 94-121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

Pub. L. 93-433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

Pub. L. 93-162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

Pub. L. 92-544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

Pub. L. 92-77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

Pub. L. 91-472, title I, § 101, Oct. 21, 1970, 84 Stat. 1041.

§ 269h. International Union for the Publication of Customs Tariffs; authorization of annual appropriations for expenses

There is hereby authorized to be appropriated annually to the Department of State such sums as may be necessary, including contributions pursuant to the convention of July 5, 1890, as amended, for the payment by the United States of its share of the expenses of the International Union for the Publication of Customs Tariffs and of the Bureau established to carry out the functions of the Union, but not to exceed 6 per centum of such expenses per annum.

(Pub. L. 90-569, Oct. 12, 1968, 82 Stat. 1003.)

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in the International Union for the Publication of Customs Tariffs were contained in the following Department of State Appropriations Acts:

Pub. L. 94-362, title I, § 101, July 14, 1976, 90 Stat. 938.

Pub. L. 94-121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

Pub. L. 93-433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

Pub. L. 93-162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

Pub. L. 92-544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

Pub. L. 92-77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

Pub. L. 91-472, title I, § 101, Oct. 21, 1970, 84 Stat. 1041.

§§ 270 to 270g. Repealed. Pub. L. 88-619, § 3, Oct. 3, 1964, 78 Stat. 995

Sections 270 to 270c, act July 3, 1930, ch. 851, §§ 1 to 4, 46 Stat. 1005, 1006, related to international tribunals, the administration of oaths, perjury, testimony of witnesses, production of documentary evidence, subpoena power, contempt and its punishment, the authority of commissioners to take evidence, and to procedure. See section 1782 of Title 28, Judiciary and Judicial Procedure.

Sections 270d to 270g, act July 3, 1930, ch. 851, §§ 5 to 8, as added June 7, 1933, ch. 50, 48 Stat. 117, 118, related to international tribunals, issuance of subpoenas upon application of United States' agent to United States district court, proceedings thereon, notice to foreign governments, forwarding of certified transcripts of testimony to agents of United States and any opposing government, perjury and contempt and the penalties therefor, and declared the Supreme Court of the District of Columbia to be a district court of the United States. See section 1782 of Title 28.

§ 271. International Labor Organization; membership

The President is authorized to accept membership for the Government of the United States of America in the International Labor Organization, which, through its general conference of representatives of its members and through its International Labor Office, collects information concerning labor throughout the world and prepares international conventions for the consideration of member governments with a view to improving conditions of labor.

(June 19, 1934, ch. 676, § 1, 48 Stat. 1182.)

ACCEPTANCE OF CONSTITUTION BY UNITED STATES

Section 1 of act June 30, 1948, ch. 756, 62 Stat. 1151, provided: "That the President is hereby authorized to accept for the Government of the United States of America the Constitution of the International Labor Organization Instrument of Amendment adopted by the Twenty-ninth Session of the International Labor Conference on October 9, 1946."

ACCEPTANCE OF CONSTITUTIONAL AMENDMENT BY UNITED STATES

Pub. L. 88-65, July 17, 1963, 77 Stat. 80, provided: "That the President is hereby authorized to accept on behalf of the United States of America the instrument for the amendment of the constitution of the International Labor Organization adopted at Geneva on June 22, 1962, by the International Labor Conference at its forty-sixth session."

REASONS FOR ACCEPTANCE OF CONSTITUTION BY UNITED STATES

The reasons for acceptance of the Constitution of the Organization by the United States is set forth in the preliminary clauses of act June 30, 1948, ch. 756, 62 Stat. 1151, which provided that:

"Whereas the Senate and House of Representatives by Public Resolution Numbered 43 of the Seventy-third Congress authorized the President to accept membership for the Government of the United States of America in the International Labor Organization

and the President, pursuant thereto, accepted such membership on August 20, 1934; and

"Whereas such membership in the International Labor Organization has proved of benefit to the people of the United States; and

"Whereas the International Labor Organization provides a unique international forum in which representatives of employers and workers join together with those of governments in formulating conventions and recommendations which serve as international minimum standards for labor and social legislation and administration within member countries; and

"Whereas extensive revision of the constitution has been undertaken to enable the Organization to meet changed conditions, to strengthen the application of conventions and recommendations, with careful provision to meet the constitutional rules and practices of Federal States, and to operate as a specialized agency in relationship with the United Nations; and

"Whereas the Constitution of the International Labor Organization Instrument of Amendment of 1946 was adopted unanimously on October 9, 1946, with the entire delegation of the United States to the Twenty-ninth Session of the International Labor Conference supporting this Instrument of Amendment."

§ 272. Omitted

Codification

Section, act June 19, 1934, ch. 676, § 2, 48 Stat. 1183, provided that the President, in accepting membership in the International Labor Organization, was to assume no obligation under the covenant of the League of Nations, and was omitted from the Code as obsolete.

§ 272a. Authorization of appropriations

There is hereby authorized to be appropriated annually to the Department of State—

(a) such sums as may be necessary for the payments by the United States of its share of the expenses of the Organization, but not to exceed 25 per centum of such expenses, as apportioned by the International Labour Conference in accordance with article 13(2)(c) and 13(3) of the constitution of the Organization; and

(b) such additional sums as may be necessary to pay the expenses incident to participation by the United States in the activities of the Organization, including—

(1) salaries of the representative or representatives and alternates and appropriate staff, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5; services as authorized by section 3109 of title 5; under such rules and regulations as the Secretary of State may prescribe, allowances for living quarters, including heat, fuel, and light and cost-of-living allowances to persons temporarily stationed abroad; printing and binding without regard to section 501 of title 44, and section 5 of title 41; and

(2) such other expenses as the Secretary of State deems necessary to participation by the United States in the activities of the Organization: *Provided*, That the provisions of section 287r of this title, and regulations thereunder, applicable to expenses incurred pursuant to subchapter XVII of this chapter shall be applicable to any expenses incurred pursuant to this paragraph.

(June 30, 1948, ch. 756, § 2, 62 Stat. 1151; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972; Sept. 21, 1950, ch. 976, § 1(e), 64 Stat. 903; June 30, 1958, Pub. L. 85-477, ch. V, § 502(f), 72 Stat. 273.)

References in Text

The civil-service laws, referred to in subsec. (b)(1), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

Subchapter XVII [§ 287m et seq.] of this chapter, referred to in subsec. (b)(2), was in the original a reference to the Act of July 30, 1946, Public Law 565, Seventy-ninth Congress.

Codification

In subsec. (b)(1), "chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

"Section 3109 of title 5" was substituted for "section 15 of Public Law 600, Seventy-ninth Congress [5 U.S.C. 55a]" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted title 5.

"Section 501 of title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

Amendments

1958—Subsec. (a). Pub. L. 85-477 substituted provisions limiting appropriations to not more than 25 per centum of the expenses for provisions which authorized an appropriation of not more than $1,750,000 per annum for payment of expenses.

1950—Subsec. (a). Joint Res. Sept. 21, 1950, § 1(e)(1), (2), increased the authorized annual appropriation from $1,091,739 to $1,750,000, and changed the reference to the Organization's constitution from article 13(c) to article 13(2)(c) and 13(3).

Subsec. (b). Joint Res. Sept. 21, 1950, § 1(e)(3), struck out a limitation of $95,000 on the authorized annual appropriation for expenses.

1949—Subsec. (b)(1). Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923".

Repeals

Act Oct. 28, 1949, ch. 782, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

Limitation of Contributions

Contributions by United States, except for special projects, limited to amount provided by Joint Res. Sept. 21, 1950; consent by State Department and reports to Congress, see section 262a of this title.

Annual Appropriations

Annual appropriations to meet the obligations of membership in the International Labor Organization were contained in the following Department of State Appropriation Acts:

Pub. L. 94-362, title I, § 101, July 14, 1976, 90 Stat. 938.

Pub. L. 94-121, Title I, § 101, Oct. 21, 1975, 89 Stat. 613.

Pub. L. 93-433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

Pub. L. 93-162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

Pub. L. 92-544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

Pub. L. 92-77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.
Pub. L. 91-472, title I, § 101, Oct. 21, 1970, 84 Stat. 1041.

§ 272b. Loyalty check on United States personnel

No person shall serve as representative, delegate, or alternate from the United States until such person has been investigated as to loyalty and security by the Civil Service Commission.

(June 30, 1948, ch. 756, § 3, 62 Stat. 1152; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43.)

AMENDMENTS

1952—Act Apr. 5, 1952, substituted "Civil Service Commission" for "Federal Bureau of Investigation".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 1304.

§ 273. Pan American Institute of Geography and History; authorization of annual appropriations for membership

In order to meet the obligations of the United States as a member of the Pan American Institute of Geography and History, there are authorized to be appropriated to the Department of State—

(1) such sums, not to exceed $200,000 annually, as may be required for the payment by the United States of its share of the expenses of the Institute, as apportioned in accordance with the statutes of the Institute;

(2) such additional sums as may be needed annually for the payment of all necessary expenses incident to participation by the United States in the activities of the Institute; and

(3) the sum of $386,050 for payment by the United States of its assessed annual contributions for the period beginning July 1, 1964, and extending through the fiscal year expiring June 30, 1969.

(Aug. 2, 1935, ch. 430, § 1, 49 Stat. 512; Aug. 31, 1954, ch. 1154, 68 Stat. 1008; Oct. 13, 1966, Pub. L. 89-646, 80 Stat. 893; July 17, 1970, Pub. L. 91-340, 84 Stat. 438.)

AMENDMENTS

1970—Pub. L. 91-340 increased the annual appropriation authorization in par. (1) from $90,300 to $200,000, and added par. (3).

1966—Pub. L. 89-646 redesignated as clause (1) provisions of former clause (b), increasing the annual appropriation authorization from $50,000 to $90,300 and substituted clause (2) additional annual appropriation authorization for payment of necessary expenses incident to participation by the United States in Institute activities for former clause (a) appropriation authorization of $98,775 for payment by the United States of its assessed annual contributions for period beginning July 1, 1951, and extending through fiscal year expiring June 30, 1954.

1954—Act Aug. 31, 1954, appropriated sufficient funds to pay back assessments for years 1951 to 1954, and increased from $10,000 to $50,000 the authorized annual contribution.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in the Pan American Institute of Geography and History were contained in the following Department of State Appropriation Acts:

Pub. L. 94-362, title I, § 101, July 14, 1976, 90 Stat. 938.
Pub. L. 94-121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.
Pub. L. 93-433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.
Pub. L. 93-162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.
Pub. L. 92-544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.
Pub. L. 92-77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.
Pub. L. 91-472, title I, § 101, Oct. 21, 1970, 84 Stat. 1041.

§ 274. International Council of Scientific Unions and Associated Unions; authorization of annual appropriations for membership

There is hereby authorized to be appropriated, to be expended under the direction of the Secretary of State, in paying the annual share of the United States as an adhering member of the International Council of Scientific Unions and Associated Unions, including the International Astronomical Union, International Union of Chemistry, International Union of Geodesy and Geophysics, International Union of Mathematics, International Scientific Radio Union, International Union of Physics, and International Geographical Union, and such other international scientific unions as the Secretary of State may designate, such sum as may be necessary for the payment of such annual share, not to exceed $100,000 in any one year.

(Aug. 7, 1935, ch. 454, 49 Stat. 540; Aug. 14, 1958, Pub. L. 85-627, 72 Stat. 574; Aug. 3, 1965, Pub. L. 89-104, 79 Stat. 427.)

AMENDMENTS

1965—Pub. L. 89-104 substituted "$100,000" for "$65,000".

1958—Pub. L. 85-627 substituted "$65,000" for "$9,000".

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in the International Council of Scientific Unions and Associated Unions were contained in the following Department of State Appropriation Acts:

July 14, 1976, Pub. L. 94-362, title I, § 101, 90 Stat. 938.
Oct. 21, 1975, Pub. L. 94-121, title I, § 101, 89 Stat. 613.
Oct. 5, 1974, Pub. L. 93-433, title I, § 101, 88 Stat. 1188.
Nov. 27, 1973, Pub. L. 93-162, title I, § 101, 87 Stat. 637.
Oct. 25, 1972, Pub. L. 92-544, title I, § 101, 86 Stat. 1110.
Aug. 10, 1971, Pub. L. 92-77, title I, § 101, 85 Stat. 247.
Oct. 21, 1970, Pub. L. 91-472, title I, § 101, 84 Stat. 1041.
July 9, 1947, ch. 211, title I, § 101, 61 Stat. 283.
July 5, 1946, ch. 541, title I, § 101, 60 Stat. 453.
May 21, 1945, ch. 129, title I, 59 Stat. 175.
June 28, 1944, ch. 294, title I, 58 Stat. 402.
July 1, 1943, ch. 182, title I, 57 Stat. 278.
July 2, 1942, ch. 472, title I, 56 Stat. 475.
June 28, 1941, ch. 258, title I, 55 Stat. 272.
May 14, 1940, ch. 189, title I, 54 Stat. 188.
June 29, 1939, ch. 248, title I, 53 Stat. 892.
Apr. 27, 1938, ch. 180, title I, 52 Stat. 254.
June 16, 1937, ch. 359, title I, 50 Stat. 268.
May 15, 1936, ch. 405, title I, 49 Stat. 1309.

ANNUAL APPROPRIATIONS AFTER 1947

Act June 3, 1948, ch. 400, title I, § 101, 62 Stat. 305 and subsequent Department of State Appropriation

Acts failed to authorize appropriations for this section. An annual appropriation was authorized by Pub. L. 91-472, see annual appropriation note set out above.

§ 274a. International biological program

(a) Congressional findings

The Congress hereby finds and declares that the international biological program, which was established under the auspices of the International Council of Scientific Unions and the International Union of Biological Sciences and is sponsored in the United States by the National Academy of Sciences and the National Academy of Engineering, deals with one of the most crucial situations to face this or any other civilization—the immediate or near potential of mankind to damage, possibly beyond repair, the earth's ecological system on which all life depends. The Congress further finds and declares that the international biological program provides an immediate and effective means available of meeting this situation, through its stated objectives of increased study and research related to biological productivity and human welfare in a changing world environment.

(b) Congressional support

The Congress therefore commends and endorses the international biological program and expresses its support of the United States National Committee and the Interagency Coordinating Committee, which together have the responsibility for planning, coordinating, and carrying out the program in the United States.

(c) Priority

In view of the urgency of the problem, the Congress finds and declares that the provision by the United States of adequate financial and other support for the international biological program is a matter of first priority.

(Pub. L. 91-438, § 1, Oct. 7, 1970, 84 Stat. 889.)

§ 274b. Cooperation of Federal and nonfederal departments, agencies, and organizations; transfers of funds

(a) The Congress calls upon all Federal departments and agencies and other persons and organizations, both public and private, to support and cooperate fully with the international biological program and the activities and goals of the United States National Committee and the Interagency Coordinating Committee.

(b) For this purpose, the Congress authorizes and requests all Federal departments and agencies having functions or objectives which coincide with or are related to those of the international biological program to obligate or make appropriate transfers of funds to the program from moneys available for such functions or objectives and provide such other support as may be appropriate.

(Pub. L. 91-438, § 2, Oct. 7, 1970, 84 Stat. 889.)

§ 275. International Hydrographic Bureau

To enable the United States to become a member of the International Hydrographic Bureau, and for the first annual contribution of the United States toward the creation and maintenance of such bureau, there is hereby appropriated out of money in the Treasury not otherwise appropriated $2,500, or so much thereof as may be necessary, to be paid by the Secretary of State when the exact quota shall have been ascertained.

(Mar. 2, 1921, ch. 113, 41 Stat. 1215.)

Annual Appropriations

Annual appropriations were contained in the following acts:

July 14, 1976, Pub. L. 94-362, title I, § 101, 90 Stat. 938.
Oct. 21, 1975, Pub. L. 94-121, title I, § 101, 89 Stat. 613.
Oct. 5, 1974, Pub. L. 93-433, title I, § 101, 88 Stat. 1188.
Nov. 27, 1973, Pub. L. 93-162, title I, § 101, 87 Stat. 637.
Oct. 25, 1972, Pub. L. 92-544, title I, § 101. 86 Stat. 1110.
Aug. 10, 1971, Pub. L. 92-77, title I, § 101, 85 Stat. 247.
Oct. 21, 1970, Pub. L. 91-472, title I, § 101, 84 Stat. 1041.
Dec. 24, 1969, Pub. L. 91-153, title I, § 101, 83 Stat. 404.
Aug. 9, 1968, Pub. L. 90-470, title I, § 101, 82 Stat. 669.
Nov. 8, 1967, Pub. L. 90-133, title I, § 101, 81 Stat. 412.
Nov. 8, 1966, Pub. L. 89-797, title I, § 101, 80 Stat. 1480.
Sept. 2, 1965, Pub. L. 89-164, title I, § 101, 79 Stat. 621.
Aug. 31, 1964, Pub. L. 88-527, title I, § 101, 78 Stat. 712.
Dec. 30, 1963, Pub. L. 88-245, title I, § 101, 77 Stat. 777.
Oct. 18, 1962, Pub. L. 87-843, title I, § 101, 76 Stat. 1081.
Sept. 21, 1961, Pub. L. 87-264, title I, § 101, 75 Stat. 546.
Aug. 31, 1960, Pub. L. 86-678, title I, § 101, 74 Stat. 557.
July 13, 1959, Pub. L. 86-84, title I, § 101, 73 Stat. 183.
June 30, 1958, Pub. L. 85-474, title I, § 101, 72 Stat. 246.
June 11, 1957, Pub. L. 85-49, title I, § 101. 71 Stat. 56.
June 20, 1956, ch. 414, title I, § 101, 70 Stat. 301.
July 7, 1955, ch. 279, title I, § 101, 69 Stat. 265.
July 2, 1954, ch. 456, title I, § 101, 68 Stat. 414.
Aug. 5, 1953, ch. 328, title I, § 101, 67 Stat. 368.
July 10, 1952, ch. 651, title I, § 101, 66 Stat. 550.
Oct. 22, 1951, ch. 533, title I, § 101, 65 Stat. 577.
Sept. 6, 1950, ch. 896, ch. III, title I, § 101, 64 Stat. 610.
July 20, 1949, ch. 354, title I, § 101, 63 Stat. 450.
June 3, 1948, ch. 400, title I, § 101, 62 Stat. 309.
July 9, 1947, ch. 211, title I, § 101, 61 Stat. 283.
July 5, 1946, ch. 541, title I, § 101, 60 Stat. 453.
May 21, 1945, ch. 129, title I, 59 Stat. 175.
June 28, 1944, ch. 294, title I, § 1, 58 Stat. 402.
July 1, 1943, ch. 182, title I, § 1, 57 Stat. 277.
July 2, 1942, ch. 472, title I, 56 Stat. 474.
June 28, 1941, ch. 258, title I, 55 Stat. 271.
May 14, 1940, ch. 189, title I, 54 Stat. 187.
June 29, 1939, ch. 248, title I, 53 Stat. 891.
Apr. 27, 1938, ch. 180, title I, § 1, 52, Stat. 253.
June 16, 1937, ch. 359, title I, 50 Stat. 267.
June 22, 1936, ch. 689, title III, 49 Stat. 1634.
May 15, 1936, ch. 405, § 1, 49 Stat. 1315.
Mar. 22, 1935, ch. 39, title I, 49 Stat. 73.
Apr. 7, 1934, ch. 104, 48 Stat. 534.
Mar. 1, 1933, ch. 144, 47 Stat. 1376.
July 1, 1932, ch. 361, 47 Stat. 484.
Feb. 23, 1931, ch. 280, title I, 46 Stat. 1318.
Apr. 18, 1930, ch. 184, 46 Stat. 183.
Jan. 25, 1929, ch. 102, title I, 45 Stat. 1104.
Feb. 15, 1928, ch. 57, 45 Stat. 73.
Feb. 24, 1927, ch. 189, title I, 44 Stat. 1189.

Apr. 29, 1926, ch. 195, 44 Stat. 339.
Feb. 27, 1925, ch. 364, title I, 43 Stat. 1023.
May 28, 1924, ch. 204, 43 Stat. 214.
Jan. 3, 1923, ch. 21, title I, 42 Stat. 1076.
June 1, 1922, ch. 204, title I, 42 Stat. 608.

§ 275a. Permanent International Commission of the Congresses of Navigation; authorization of appropriations

Not to exceed $45,000 annually of the funds appropriated for rivers and harbors shall be available for the support and maintenance of the Permanent International Commission of the Congresses of Navigation and for the payment in amounts approved by the Chief of Engineers of the expenses of the properly accredited delegates of the United States to the meetings of the congresses and of the Commission.

(June 30, 1948, ch. 771, title I, § 107, 62 Stat. 1174; Oct. 27, 1965, Pub. L. 89-298, title III, § 306, 79 Stat. 1094; Mar. 7, 1974, Pub. L. 93-251, title I, § 93, 88 Stat. 39.)

Amendments

1974—Pub. L. 93-251 increased the annual appropriation from $22,000 to $45,000.

1965—Pub. L. 89-298 increased the annual appropriation from $5,000 to $22,000.

§ 276. Bureau of Interparliamentary Union; American group; authorization of appropriations; disbursements

There is authorized to be appropriated for fiscal year 1976 and for each subsequent fiscal year—

(1) for the annual contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration, an amount equal to 13.61 per centum of the budget of the Interparliamentary Union for the year with respect to which such contribution is to be made if the American group of the Interparliamentary Union has approved such budget; and

(2) to assist in meeting the expenses of the American group for such fiscal year, $45,000, or so much thereof as may be necessary.

Funds made available under paragraph (2) shall be disbursed on vouchers to be approved by the president and the executive secretary of the American group.

(June 28, 1935, ch. 322, § 1, 49 Stat. 425; Feb. 6, 1948, ch. 48, 62 Stat. 19; June 20, 1958, Pub. L. 85-477, ch. V, § 502(b), 72 Stat. 272; Sept. 4, 1961, Pub. L. 87-195, pt. IV, § 713(a), 75 Stat. 465; Aug. 1, 1962, Pub. L. 87-565, pt. IV, § 404, 76 Stat. 263; Oct. 7, 1964, Pub. L. 88-633, pt. IV, § 401, 78 Stat. 1014; Nov. 14, 1967, Pub. L. 90-137, pt. IV, § 402, 81 Stat. 463; Feb. 7, 1972, Pub. L. 92-226, pt. IV, § 404, 86 Stat. 34; Oct. 18, 1973, Pub. L. 93-126, § 3, 87 Stat. 451; Nov. 29, 1975, Pub. L. 94-141, title II, § 204(a), 89 Stat. 762.)

Amendments

1975—Pub. L. 94-141 designated existing provisions as pars. (1) and (2), and, as so designated, substituted provisions for determining the amount of annual contributions for fiscal year 1976 and subsequent years on a per centum basis for provisions setting forth a specific annual appropriation, and made expense voucher provisions applicable to such par. (2).

1973—Pub. L. 93-126 increased the annual appropriation from $102,000 to $120,000, increasing the annual contribution by the United States from $57,000 to $75,000.

1972—Pub. L. 92-226 increased the annual appropriation from $53,550 to $102,000, increasing the annual contribution by the United States from $26,650 to $57,000 and expense payments from $26,900 to $45,000.

1967—Pub. L. 90-137 increased the annual appropriation from $50,000 to $53,550, increasing the annual contribution by the United States from $23,100 to $26,650.

1964—Pub. L. 88-633 increased the annual appropriation from $48,000 to $50,000, increased the annual contribution by the United States from $21,000 to $23,100 and decreased expense payments from $27,000 to $26,900.

1962—Pub. L. 87-565 substituted "$21,000" and "$27,000" for "$18,000" and "$30,000", respectively.

1961—Pub. L. 87-195 substituted "$48,000" for "$33,000", and "$30,000" for "$15,000".

1958—Pub. L. 85-477 substituted "$33,000" for "$30,000" and "$18,000" for "$15,000".

1948—Act Feb. 6, 1948, increased the annual appropriation from $20,000 to $30,000 to allow an increase of $5,000 in annual contribution by United States and an increase of $5,000 in expense payments.

Repeals

Section 710(a) of Pub. L. 87-195, which amended this section, was repealed by section 401 of Pub. L. 87-565, except insofar as section 710(a) affected this section.

Termination Date of 1961 Amendment

Section 710(b) of Pub. L. 87-195 which provided that the amendments made by section 710(a) to this section shall be effective only for the fiscal year 1962, was repealed by section 401 of Pub. L. 87-565.

Annual Appropriations

Annual appropriations were contained in the following Department of State Appropriation Acts:

July 14, 1976, Pub. L. 94-362, title I, § 101, 90 Stat. 938.

Oct. 21, 1975, Pub. L. 94-121, title I, § 101, 89 Stat. 613.

Oct. 5, 1974, Pub. L. 93-433, title I, § 101, 88 Stat. 1188.

Nov. 27, 1973, Pub. L. 93-162, title I, § 101, 87 Stat. 637.

Oct. 25, 1972, Pub. L. 92-544, title I, § 101, 86 Stat. 1110.

Aug. 10, 1971, Pub. L. 92-77, title I, § 101, 85 Stat. 247.

Oct. 21, 1970, Pub. L. 91-472, title I, § 101, 84 Stat. 1041.

Dec. 24, 1969, Pub. L. 91-153, title I, § 101, 83 Stat. 404.

Aug. 9, 1968, Pub. L. 90-470, title I, § 101, 82 Stat. 669.

Nov. 8, 1967, Pub. L. 90-133, title I, § 101, 81 Stat. 412.

Nov. 8, 1966, Pub. L. 89-797, title I, § 101, 80 Stat. 1480.

Sept. 2, 1965, Pub. L. 89-164, title I, § 101, 79 Stat. 621.

Aug. 31, 1964, Pub. L. 88-527, title I, § 101, 78 Stat. 712.

Dec. 30, 1963, Pub. L. 88-245, title I, § 101, 77 Stat. 777.

Oct. 18, 1962, Pub. L. 87-843, title I, § 101, 76 Stat. 1081.

Sept. 21, 1961, Pub. L. 87-264, title I, § 101, 75 Stat. 546.

Aug. 31, 1960, Pub. L. 86-678, title I, § 101, 74 Stat. 557.

July 13, 1959, Pub. L. 86-84, title I, § 101, 73 Stat. 183.

June 30, 1958, Pub. L. 85-474, title I, § 101, 72 Stat. 246.

June 11, 1957, Pub. L. 85-49, title I, § 101, 71 Stat. 56.

June 20, 1956, ch. 414, title I, § 101, 70 Stat. 301.
July 7, 1955, ch. 279, title I, § 101, 69 Stat. 265.
July 2, 1954, ch. 456, title I, § 101, 68 Stat. 414.
Aug. 5, 1953, ch. 328, title I, § 101, 67 Stat. 368.
July 10, 1952, ch. 651, title I, § 101, 66 Stat. 550.
Oct. 22, 1951, ch. 533, title I, § 101, 65 Stat. 577.
Sept. 6, 1950, ch. 896, ch. III, title I, § 101, 64 Stat. 610.
July 20, 1949, ch. 354, title I, § 101, 63 Stat. 449.
June 3, 1948, ch. 400, title I, § 101, 62 Stat. 308.
July 9, 1947, ch. 211, title I, § 101, 61 Stat. 282.
July 5, 1946, ch. 541, title I, § 101, 60 Stat. 453.
May 21, 1945, ch. 129, title I, 59 Stat. 175.
June 28, 1944, ch. 294, title I, § 1, 58 Stat. 402.
July 1, 1943, ch. 182, title I, § 1, 58 Stat. 277.
July 2, 1942, ch. 472, title I, 56 Stat. 474.
June 28, 1941, ch. 258, title I, 55 Stat. 271.
May 14, 1940, ch. 189, title I, 54 Stat. 187.
June 29, 1939, ch. 248, title I, 53 Stat. 891.
Apr. 27, 1938, ch. 180, title I, 52 Stat. 253.
June 16, 1937, ch. 359, title I, 50 Stat. 267.
May 15, 1936, ch. 405, 49 Stat. 1315.

Earlier appropriation acts for State Department also contained annual appropriations for the Interparliamentary Union.

APPROPRIATIONS TO DEFRAY EXPENSES OF 1953 ANNUAL MEETING; VISAS FOR MEMBERS AND THEIR FAMILIES

Joint Res. July 13, 1953, ch. 186, 67 Stat. 147, authorized $150,000 to be appropriated to defray expenses of 1953 meeting of the Interparliamentary Union in Washington, D.C., and nonimmigrant visitors' visas to be issued to delegates attending the annual meeting without being registered or fingerprinted.

CROSS REFERENCES

Reports of expenditures by members of United States group, and by employees of the Senate or House of Representatives, see section 276c-1 of this title.

§ 276a. Reports to Congress by American Group

The American group of the Interparliamentary Union shall submit to the Congress a report for each fiscal year for which an appropriation is made, including its expenditures under such appropriation.

(June 28, 1935, ch. 322, § 2, 49 Stat. 426.)

§ 276a-1. Conference of the Interparliamentary Union; appointment and political affiliation of delegates

After January 1, 1976, there shall be not to exceed nine delegates from the House of Representatives to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives. Not more than five delegates from the House of Representatives to any such Conference may be of the same political party.

(June 28, 1935, ch. 322, § 3, as added Nov. 29, 1975, Pub. L. 94-141, title II, § 204(b), 89 Stat. 762.)

§ 276b. Audit of accounts; certificate of officers of American Group as conclusive

The certificate of the president and executive secretary of the American Group of the Interparliamentary Union shall on and after August 25, 1937, be final and conclusive upon the accounting officers in the auditing of all accounts of the American Group of the Interparliamentary Union.

(Aug. 25, 1937, ch. 757, 50 Stat. 770.)

§ 276c. Designation of Senate delegates to Conferences of the Interparliamentary Union

On and after June 30, 1958, Senate delegates to Conferences of the Interparliamentary Union shall be designated by the Presiding Officer of the Senate. Not less than two Senators so designated shall be members of the Committee on Foreign Relations.

(Pub. L. 85-474, title I, § 101, June 30, 1958, 72 Stat. 246; Pub. L. 94-141, title II, § 204(c), Nov. 29, 1975, 89 Stat. 762.)

AMENDMENTS

1975—Pub. L. 94-141 added sentence which provides "Not less than two Senators so designated shall be members of the Committee on Foreign Relations.".

§ 276c-1. Reports of expenditures by members of American groups or delegations and employees; consolidated reports by Congressional Committees; public inspection

Each chairman or senior member of the House of Representatives and Senate group or delegation of the United States group or delegation to the Interparliamentary Union, the North Atlantic Assembly, the Canada-United States Interparliamentary Group, the Mexico-United States Interparliamentary Group, or any similar interparliamentary group of which the United States is a member or participates, by whom or on whose behalf local currencies owned by the United States are made available and expended and/or expenditures are made from funds appropriated for the expenses of such group or delegation, shall file with the chairman of the Committee on Foreign Relations of the Senate in the case of the group or delegation of the Senate, or with the chairman of the Committee on International Relations of the House of Representatives in the case of the group or delegation of the House, an itemized report showing all such expenditures made by or on behalf of each Member or employee of the group or delegation together with the purposes of the expenditure, including per diem (lodging and meals), transportation, and other purposes. Within sixty days after the beginning of each regular session of Congress, the chairman of the Committee on Foreign Relations and the chairman of the Committee on International Relations shall prepare consolidated reports showing with respect to each such group or delegation the total amount expended, the purposes of the expenditures, the amount expended for each such purpose, the names of the Members or employees by or on behalf of whom the expenditures were made and the amount expended by or on behalf of each Member or employee for each such purpose. The consolidated reports prepared by the chairman of the Committee on Foreign Relations of the Senate shall be filed with the Secretary of the Senate, and the consolidated reports prepared by the chairman of the Committee on International Relations of the House shall be filed with the Committee on House Administration of the House and shall be open to public inspection.

(Pub. L. 86-628, § 105(b), July 12, 1960, 74 Stat. 460; Pub. L. 90-137, pt. IV, § 401(b), Nov. 14,

1967, 81 Stat. 463; Pub. L. 94-59, title XI, § 1104, July 25, 1975, 89 Stat. 299.)

AMENDMENTS

1975—Pub. L. 94-59 brought the reporting requirements of the section into conformity with other foreign travel expense reporting requirements and into conformity with the rules of the House of Representatives.

1967—Pub. L. 90-137 substituted "North Atlantic Assembly" for "NATO parliamentarian's Conference".

§ 276c-2. Employee benefits for United States representatives to International Monetary Fund, International Bank for Reconstruction and Development, Inter-American Development Bank, and Asian Development Bank; Treasury Department as collecting, accounting, and depositing agency for employee payments; effective date

Notwithstanding the provisions of any other law, the Executive Directors and Directors and their alternates, representing the United States in the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank, shall, in the discretion of the Secretary of the Treasury, each be eligible on the basis of such service and the total compensation received therefor, for all employees benefits afforded employees in the civil service of the United States. The Treasury Department shall serve as the employing office for collecting, accounting for, and depositing in the Civil Service Retirement and Disability Fund, Employees Life Insurance Fund, and Employees Health Benefits Fund, all retirement and health insurance benefits payments made by these employees, and shall make any necessary agency contributions from the fund established pursuant to section 822a(a) of title 31. This section shall be effective as of December 14, 1966.

(Pub. L. 91-599, ch. 5, § 51, Dec. 30, 1970, 84 Stat. 1659.)

SUBCHAPTER I—CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

§ 276d. United States group; appointment; term; meetings

Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually and when Congress is not in session (except that this restriction shall not apply during the first session of the Eighty-sixth Congress or to meetings held in the United States) with representatives of the House of Commons and Senate of the Canadian Parliament for discussion of common problems in the interests of relations between the United States and Canada. Of the Members of the Congress to be appointed for the purposes of this subchapter (hereinafter designated as the United States group) half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the International Relations Committee), and half shall be appointed by the President of the Senate from Members of the Senate (not less than four of whom shall be from the Foreign Relations Committee).

Such appointments shall be for the period of each meeting of the Canada-United States Interparliamentary group except for the four members of the International Relations Committee and the four members of the Foreign Relations Committee, whose appointments shall be for the duration of each Congress.

(Pub. L. 86-42, § 1, June 11, 1959, 73 Stat. 72; H. Res. 163, Mar. 19, 1975.)

CHANGE OF NAME

The name of the Committee on Foreign Affairs of the House of Representatives was changed to Committee on International Relations, effective Mar. 19, 1975, by House Resolution 163, 94th Congress.

§ 276e. Authorization of appropriations; disbursements

An appropriation of $50,000 annually is authorized, $25,000 of which shall be for the House delegation and $25,000 for the Senate delegation, or so much thereof as may be necessary, to assist in meeting the expenses of the United States group of the Canada-United States Interparliamentary group for each fiscal year for which an appropriation is made, the House and Senate portions of such appropriation to be disbursed on vouchers to be approved by the Chairman of the House delegation and the Chairman of the Senate delegation, respectively.

(Pub. L. 86-42, § 2, June 11, 1959, 73 Stat. 72; Pub. L. 94-350, title I, § 118(a), July 12, 1976, 90 Stat. 827.)

AMENDMENTS

1976—Pub. L. 94-350 increased the annual appropriations authorization to $50,000 from $30,000 and amount for the House and Senate delegations to $25,000 from $15,000.

CROSS REFERENCES

Reports of expenditures by members of United States group, and by employees of the Senate or House of Representatives, see section 276c-1 of this title.

§ 276f. Report to Congress

The United States group of the Canada-United States Interparliamentary group shall submit to the Congress a report for each fiscal year for which an appropriation is made including its expenditures under such appropriation.

(Pub. L. 86-42, § 3, June 11, 1959, 73 Stat. 73.)

§ 276g. Auditing of accounts

The certificate of the Chairman of the House delegation or the Senate delegation of the Canada-United States Interparliamentary group shall hereafter be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group of the Canada-United States Interparliamentary group.

(Pub. L. 86-42, § 4, June 11, 1959, 73 Stat. 73.)

SUBCHAPTER II—MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

§ 276h. United States group; appointment; term; meetings

Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at

least annually with representatives of the Chamber of Deputies and Chamber of Senators of the Mexican Congress for discussion of common problems in the interests of relations between the United States and Mexico. Of the Members of the Congress to be appointed for the purposes of this subchapter (hereinafter designated as the United States group) half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the International Relations Committee), and half shall be appointed by the President of the Senate from Members of the Senate (not less than four of whom shall be from the Foreign Relations Committee). Such appointments shall be for the period of each meeting of the Mexico-United States Interparliamentary group except for the four members of the International Relations Committee, and the four members of the Foreign Relations Committee, whose appointments shall be for the duration of each Congress.

(Pub. L. 86–420, § 1, Apr. 9, 1960, 74 Stat. 40; H. Res. 163, Mar. 19, 1975.)

CHANGE OF NAME

The name of the Committee on Foreign Affairs of the House of Representatives was changed to Committee on International Relations, effective Mar. 19, 1975, by House Resolution 163, 94th Congress.

§ 276i. Authorization of appropriations; disbursements

An appropriation of $50,000 annually is authorized, $25,000 of which shall be for the House delegation and $25,000 for the Senate delegation, or so much thereof as may be necessary, to assist in meeting the expenses of the United States group of the Mexico-United States Interparliamentary group for each fiscal year for which an appropriation is made, the House and Senate portions of such appropriation to be disbursed on vouchers to be approved by the Chairman of the House delegation and the Chairman of the Senate delegation, respectively.

(Pub. L. 86–420, § 2, Apr. 9, 1960, 74 Stat. 40; Pub. L. 94–350, title I, § 118(b), July 12, 1976, 90 Stat. 827.)

AMENDMENTS

1976—Pub. L. 94-350 increased the annual appropriations authorization to $50,000 from $30,000 and amount for the House and Senate delegations to $25,000 from $15,000.

CROSS REFERENCES

Reports of expenditures by members of United States group, and by employees of the Senate or House of Representatives, see section 276c-1 of this title.

§ 276j. Report to Congress

The United States group of the Mexico-United States Interparliamentary group shall submit to the Congress a report for each fiscal year for which an appropriation is made including its expenditures under such appropriation.

(Pub. L. 86–420, § 3, Apr. 9, 1960, 74 Stat. 40.)

§ 276k. Auditing of accounts

The certificate of the Chairman of the House delegation or the Senate delegation of the Mexico-United States Interparliamentary group shall on and after April 9, 1960 be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group of the Mexico-United States Interparliamentary group.

(Pub. L. 86–420, § 4, Apr. 9, 1960, 74 Stat. 40.)

SUBCHAPTER III—KERMIT ROOSEVELT FUND

§ 276aa. Establishment of the Kermit Roosevelt fund; creation and composition of board of trustees

There is established in the Department of the Army a board to be known as the Trustees of the Kermit Roosevelt Fund, whose duty it shall be properly to administer all money and property which on and after July 2, 1945, may come under its control as part of the Kermit Roosevelt fund, created pursuant to section 276bb of this title. The board shall be composed of the Chief of Finance, United States Army, ex officio, and three general officers of the Army who shall be appointed to the board and may be replaced thereon by the Secretary of the Army.

(July 2, 1945, ch. 228, § 1, 59 Stat. 316.)

CODIFICATION

Section was formerly classified to section 224 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

§ 276bb. Acceptance of funds and property from Mrs. Kermit Roosevelt; purpose and use; disbursement and investment of fund

The board is authorized to accept from Mrs. Kermit Roosevelt such money and property as she may tender, to receipt therefor on behalf of the United States, and to deposit the funds so received in the Treasury of the United States as the original corpus of a trust fund, to be known as the Kermit Roosevelt fund, which shall be used for the purpose of fostering a better understanding and a closer relationship between the military forces of the United States and those of the United Kingdom by sponsoring lectures or courses of instruction to be delivered by officers of the British Army at the United States Military Academy and elsewhere in the United States and by officers of the United States Army at Sandhurst Royal Military College and elsewhere in the United Kingdom or, should such exchange lectures prove or become impracticable or unnecessary for any reason, by such other application of the funds as the board, with the approval of the Secretary of

the Army may determine. The original corpus of the fund and the income therefrom may be disbursed at the discretion of the board in furtherance of the stated purpose, and shall be subject to investment and reinvestment as provided in section 276cc of this title.

(July 2, 1945, ch. 228, § 2, 59 Stat. 316.)

CODIFICATION

Section was formerly classified to section 225 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 276aa, 276dd, 276ee of this title.

§ 276cc. Acceptance of funds and property from other sources; limitation; disbursement and investment

The board is also authorized to accept, receive, hold, and administer gifts, bequests and devises of money, securities, or other property, whether real or personal, from any source, for the benefit of the Kermit Roosevelt fund, but no such gift, bequest, or devise which entails any expenditure not to be met out of the gift, bequest, devise, or the income thereof shall be accepted without the consent of Congress. Such additional sums or property shall be receipted for by the Chief of Finance and may, at the discretion of the board and unless otherwise restricted by the terms of the gift, bequest, or devise, be administered and disbursed in the same manner as the original corpus of the fund and the income therefrom. The board may in its discretion sell or exchange securities or other property given, bequeathed, or devised to or for the benefit of the Kermit Roosevelt fund, and may invest and reinvest the proceeds thereof, together with any other moneys in the fund, in such investments as it may determine from time to time: *Provided, however,* That the board is not authorized to engage in any business, nor shall it make any investments for the account of the fund which could not lawfully be made by a trust company in the District of Columbia, except that it may make any investment directly authorized by the instrument of gift, bequest, or devise under which the funds to be invested are derived, and may retain any investments accepted by it.

(July 2, 1945, ch. 228, § 3, 59 Stat. 317.)

CODIFICATION

Section was formerly classified to section 226 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 276bb, 276ee of this title.

§ 276dd. Income from property covered into Treasury; disbursement and investment

The income from any property held or administered by the board, as and when collected, shall be deposited in the Treasury of the United States to the credit of the trust fund established pursuant to section 276bb of this title, and it shall be and remain subject to investment, reinvestment, and disbursement by the board for the uses and purposes set forth herein.

(July 2, 1945, ch. 228, § 4, 59 Stat. 317.)

CODIFICATION

Section was formerly classified to section 227 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 276ee of this title.

§ 276ee. Powers of board; personal liability of members; compensation; decisions reviewable by Secretary of the Army; annual report; jurisdiction of court

The board shall have all the usual powers of a trustee in respect to all property administered by it, but the members of the board shall not be personally liable, except for misfeasance, on account of any acts performed in their trust capacity. The members of the board shall not be required to furnish bond, and no additional compensation shall accrue to any of them on acount of their duties as trustees. Within the limits prescribed by sections 276bb to 276dd of this title, the administration, control, and expenditure of this fund and its application to the purposes intended shall be according to the sole discretion of the board, and the exercise of its discretion and authority in regard thereto and its decisions thereon, including any payments made or authorized by it to be made from the Kermit Roosevelt fund, shall not be subject to review except by the Secretary of the Army, to whom the board shall, on the 1st day of January, each year, render a full report of its activities during the preceding twelve months. The actions of the board shall not be subject to judicial review except in an action brought in the United States District Court for the District of Columbia, which is given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by the board.

(July 2, 1945, ch. 228, § 5, 59 Stat. 317.)

CODIFICATION

Section was formerly classified to section 228 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed

by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

SUBCHAPTER IV—INTERNATIONAL BOUNDARY AND WATER COMMISSION

§ 277. International Boundary Commission, United States and Mexico; study of boundary waters

The President is authorized to designate the American Commissioner on the International Boundary Commission, United States and Mexico, or other Federal agency, to cooperate with a representative or representatives of the Government of Mexico in a study regarding the equitable use of the waters of the lower Rio Grande and the lower Colorado and Tia Juana Rivers, for the purpose of obtaining information which may be used as a basis for the negotiation of a treaty with the Government of Mexico relative to the use of the waters of these rivers and to matters closely related thereto. On completion of such study the results shall be reported to the Secretary of State.

(May 13, 1924, ch. 153, § 1, 43 Stat. 118; Mar. 3, 1927, ch. 381, § 1, 44 Stat. 1403; Aug. 19, 1935, ch. 561, 49 Stat. 660; Sept. 6, 1966, Pub. L. 89-554, § 8(a), 80 Stat. 647.)

AMENDMENTS

1935—Act Aug. 19, 1935, created the International Boundary Commission to take the place of the three special commissioners.

1927—Act Mar. 3, 1927, provided for a study of Tia Juana River in addition to the lower Rio Grande and Colorado Rivers.

CHANGE OF NAME

The International Boundary Commission, United States and Mexico, American section, to which the powers, duties, and functions of the International Water Commission, United States and Mexico, American section, were transferred by act June 30, 1932, ch. 314, § 510, 47 Stat. 417, was reconstituted as the International Boundary and Water Commission by the Water Treaty of 1944.

REPEALS

Act Mar. 3, 1927 was repealed by Section 8(a) of Pub. L. 89-554.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following Department of State Appropriation Acts:

July 14, 1976, Pub. L. 94-362, title I, § 101, 90 Stat. 939.
Oct. 21, 1975, Pub. L. 94-121, title I, § 101, 89 Stat. 613.
Oct. 5, 1974, Pub. L. 93-433, title I, § 101, 88 Stat. 1189.
Nov. 27, 1973, Pub. L. 93-162, title I, § 101, 87 Stat. 638.
Oct. 25, 1972, Pub. L. 92-544, title I, § 101, 86 Stat. 1110.
Aug. 10, 1971, Pub. L. 92-77, title I, § 101, 85 Stat. 248.
Oct. 21, 1970, Pub. L. 91-472, title I, § 101, 84 Stat. 1042.
Dec. 24, 1969, Pub. L. 91-153, title I, § 101, 83 Stat. 405.
Aug. 9, 1968, Pub. L. 90-470, title I, § 101, 82 Stat. 670.
Nov. 8, 1967, Pub. L. 90-133, title I, § 101, 81 Stat. 413.
Nov. 8, 1966, Pub. L. 89-797, title I, § 101, 80 Stat. 1481.
Sept. 2, 1965, Pub. L. 89-164, title I, § 101, 79 Stat. 622.
Aug. 31, 1964, Pub. L. 88-527, title I, § 101, 78 Stat. 713.
Dec. 30, 1963, Pub. L. 88-245, title I, § 101, 77 Stat. 778.
Oct. 18, 1962, Pub. L. 87-843, title I, § 101, 76 Stat. 1082.
Sept. 21, 1961, Pub. L. 87-264, title I, § 101, 75 Stat. 547.
Aug. 31, 1960, Pub. L. 86-678, title I, § 101, 74 Stat. 558.
July 13, 1959, Pub. L. 86-84, title I, § 101, 73 Stat. 184.
June 30, 1958, Pub. L. 85-474, title I, § 101, 72 Stat. 247.
June 11, 1957, Pub. L. 85-49, title I, § 101, 71 Stat. 57.
June 20, 1956, ch. 414, title I, § 101, 70 Stat. 301.
July 7, 1955, ch. 379, title I, § 101, 69 Stat. 266.
July 2, 1954, ch. 456, title I, § 101, 68 Stat. 415.
Aug. 5, 1953, ch. 328, title I, § 101, 67 Stat. 368.
July 10, 1952, ch. 651, title I, § 101, 66 Stat. 551.
Oct. 22, 1951, ch. 533, title I, § 101, 65 Stat. 577.
Sept. 6, 1950, ch. 896, ch. III, title I, § 101, 64 Stat. 610.
July 20, 1949, ch. 354, title I, § 101, 63 Stat. 451.
June 3, 1948, ch. 400, title I, § 101, 62 Stat. 310.
July 9, 1947, ch. 211, title I, § 101, 61 Stat. 284.
July 5, 1946, ch. 541, title I, 60 Stat. 454.
May 21, 1945, ch. 129, title I, 59 Stat. 175.
June 28, 1944, ch. 294, title I, 58 Stat. 403.
July 1, 1943, ch. 182, title I, 57 Stat. 278.
July 2, 1942, ch. 472, title I, 56 Stat. 475.
June 28, 1941, ch. 258, title I, 55 Stat. 273.
May 14, 1940, ch. 189, title I, 54 Stat. 189.
June 29, 1939, ch. 248, title I, 53 Stat. 893.
Apr. 27, 1938, ch. 180, title I, 52 Stat. 255.
June 16, 1937, ch. 359, title I, 50 Stat. 268.
May 15, 1936, ch. 405, title I, 49 Stat. 1317.
Mar. 22, 1935, ch. 39, title I, 49 Stat. 74.
Apr. 7, 1934, ch. 104, title I, 48 Stat. 534.
Mar. 1, 1933, ch. 144, title I, 47 Stat. 1376.
July 1, 1932, ch. 361, title I, 47 Stat. 480.
Feb. 23, 1931, ch. 280, title I, 46 Stat. 1309.
Apr. 18, 1930, ch. 184, title I, 46 Stat. 173.
Jan. 25, 1929, ch. 102, title I, 45 Stat. 1094.
Feb. 15, 1928, ch. 57, title I, 45 Stat. 64.
Feb. 24, 1927, ch. 187, title I, 44 Stat. 1179.
Apr. 29, 1926, ch. 195, title I, 44 Stat. 330.
Feb. 27, 1925, ch. 364, title I, 43 Stat. 1014.
May 28, 1924, ch. 204, title I, 43 Stat. 205.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277c, 277d of this title.

§ 277a. Investigations of commission; construction of works or projects

The Secretary of State, acting through the American Commissioner, International Boundary Commission, United States and Mexico, is further authorized to conduct technical and other investigations relating to the defining, demarcation, fencing, or monumentation of the land and water boundary between the United States and Mexico, to flood control, water resources, conservation, and utilization of water, sanitation and prevention of pollution, channel rectification, and stabilization and other related matters upon the international boundary between the United States and Mexico; and to construct and maintain fences, monuments and other demarcations of the boundary line between the United States and Mexico, and sewer systems, water systems, and electric light, power and gas systems crossing the internation-

al border, and to continue such work and operations through the American Commissioner as are now in progress and are authorized by law.

The President is authorized and empowered to construct, operate, and maintain on the Rio Grande River below Fort Quitman, Texas, any and all works or projects which are recommended to the President as the result of such investigations and by the President are deemed necessary and proper.

(May 13, 1924, ch. 153, § 2, 43 Stat. 118; Mar. 3, 1927, ch. 381, § 2, 44 Stat. 1403; Aug. 19, 1935, ch. 561, 59 Stat. 660; Sept. 6, 1966, Pub. L. 89-554, § 8(a), 80 Stat. 647.)

AMENDMENTS

1935—Act Aug. 19, 1935, amended section generally.

1927—Act Mar. 3, 1927 increased appropriation from $20,000 to $50,000.

CHANGE OF NAME

The International Boundary Commission, United States and Mexico, American section, to which the powers, duties, and functions of the International Water Commission, United States and Mexico, American section, were transferred by act June 30, 1932, ch. 314, § 510, 47 Stat. 417, was reconstituted as the International Boundary and Water Commission by the Water Treaty of 1944.

REPEALS

Act Mar. 3, 1927 was repealed by section 8(a) of Pub. L. 89-554.

WATER RESOURCES PLANNING

Jurisdiction, powers, or prerogatives of the International Boundary and Water Commission, United States and Mexico, unaffected by Water Resources Planning Act, see section 1962-1 of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277c, 277d of this title.

§ 277b. Works or projects; construction under treaty with Mexico; operation, maintenance and supervision

(a) The President is further authorized to construct any project or works which may be provided for in a treaty entered into with Mexico and to repair, protect, maintain, or complete works now existing or now under construction or those that may be constructed under the treaty provisions aforesaid; and to construct any project or works designed to facilitate compliance with the provisions of treaties between the United States and Mexico; and (b) to operate and maintain any project or works so constructed or, subject to such rules and regulations for continuing supervision by the said American Commissioner or any Federal agency as the President may cause to be promulgated, to turn over the operation and maintenance of such project or works to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such project or works may be in whole or in part situated, upon such terms, conditions, and requirements as the President may deem appropriate.

(May 13, 1924, ch. 153, § 3, as added Aug. 19, 1935, ch. 561, 49 Stat. 660.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277c, 277d of this title.

§ 277c. Agreements with political subdivisions; acquisition of lands

In order to carry out the provisions of sections 277 to 277d of this title, the President, or any Federal agency he may designate is authorized, (a) in his discretion, to enter into agreements with any one or more of said political subdivisions, in connection with the construction of any project or works provided for in paragraph (2) of section 277a and section 277b of this title, under the terms of which agreements there shall be furnished to the United States, gratuitously, except for the examination and approval of titles, the lands or easements in lands necessary for the construction, operation, and maintenance in whole or in part of any such project or works, or for the assumption by one or more of any such political subdivisions making such agreement, of the operation and maintenance of such project or works in whole or in part upon the completion thereof: *Provided, however,* That when an agreement is reached that necessary lands or easements shall be provided by any such political subdivision and for the future operation and maintenance by it of a project or works or a part thereof, in the discretion of the President the title to such lands and easements for such projects or works need not be required to be conveyed to the United States but may be required only to be vested in and remain in such political subdivision; (b) to acquire by purchase, exercise of the power of eminent domain, or by donation, any real or personal property which may be necessary; (c) to withdraw from sale, public entry or disposal of such public lands of the United States as he may find to be necessary and thereupon the Secretary of the Interior shall cause the lands so designated to be withdrawn from any public entry whatsoever, and from sale, disposal, location or settlement under the mining laws or any other law relating to the public domain and shall cause such withdrawal to appear upon the records in the appropriate land office having jurisdiction over such lands, and such lands may be used for carrying out the purposes of sections 277 to 277d of this title: *Provided,* That any such withdrawal may subsequently be revoked by the President; and (d) to make or approve all necessary rules and regulations.

(May 13, 1924, ch. 153, § 4, as added Aug. 19, 1935, ch. 561, 49 Stat. 660, and amended May 22, 1936, ch. 447, 49 Stat. 1370.)

REPEALS

Clause (c), except the proviso thereof, repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792, effective on and after Oct. 21, 1976.

REFERENCES IN TEXT

The mining laws, referred to in clause (c), are classified generally to Title 30, Mineral Lands and Mining.

AMENDMENTS

1936—Act May 22, 1936, inserted "paragraph (2) of section 277a".

SAVINGS PROVISIONS

Repeal of cl. (c), except the proviso thereof, by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d of this title.

§ 277d. Funds received from Mexico; expenditure

Any moneys contributed by or received from the United Mexican States for the purpose of cooperating or assisting in carrying out the provisions of sections 277 to 277d of this title shall be available for expenditure in connection with any appropriation which may be made for the purposes of such sections.

(May 13, 1924, ch. 153, § 5, as added Aug. 19, 1935, ch. 561, 49 Stat. 660.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277c of this title.

§ 277d-1. Authorizations for Mexican treaty projects; acquisition of lands for relocation purposes; contracts and conveyances

The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico (herein referred to as the "Commission"), in connection with any project under the jurisdiction of the United States Section, International Boundary and Water Commission, United States and Mexico, is authorized: (a) to purchase, or condemn, lands, or interests in lands, for relocation of highways, roadways, railroads, telegraph, telephone, or electric transmission lines, or any other properties whatsoever, the relocation of which, in the judgment of the said Commissioner, is necessitated by the construction or operation and maintenance of any such project, and to perform any or all work involved in said relocations on said lands, or interests in lands, other lands, or interests in lands, owned and held by the United States in connection with the construction or operation and maintenance of any such project, or properties not owned by the United States; (b) to enter into contracts with the owners of the said properties whereby they undertake to acquire any, or all, property needed for said relocation, or to perform any, or all, work involved in said relocations; and (c) for the purpose of effecting completely said relocations, to convey, or exchange Government properties acquired or improved under clause (a) of this section, with or without improvements, or other properties owned and held by the United States in connection with the construction or operation and maintenance of said project, or to grant term or perpetual easements therein or thereover. Grants or conveyances hereunder shall be by instruments executed by the Secretary of State without regard to provisions of law governing the patenting of public lands.

(Sept. 13, 1950, ch. 948, title I, § 101, 64 Stat. 846.)

SHORT TITLE

Section 1 of Act Sept. 13, 1950, provided that: "This Act [enacting sections 277d-1 to 277d-9 of this title] may be cited as the 'American-Mexican Treaty Act of 1950'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-5 of this title.

§ 277d-2. Construction and maintenance of roads, highways, etc.; housing and other facilities for personnel

The United States Commissioner is authorized to construct, equip, and operate and maintain all access roads, highways, railways, power lines, buildings, and facilities necessary in connection with any such project, and in his discretion to provide housing, subsistence, and medical and recreational facilities for the officers, agents, and employees of the United States, and/or for the contractors and their employees engaged in the construction, operation, and maintenance of any such project, and to make equitable charges therefor, or deductions from the salaries and wages due employees, or from progress payments due contractors, upon such terms and conditions as he may determine to be to the best interest of the United States, the sums of money so charged and collected or deducted to be credited to the appropriation for the project current at the time the obligations are incurred.

(Sept. 13, 1950, ch. 948, title I, § 102, 64 Stat. 846.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-5 of this title.

§ 277d-3. Authorization for appropriations; activities for which available; contracts for excess amounts

There are hereby authorized to be appropriated to the Department of State for the use of the Commission, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of the Treaty of February 3, 1944, and other treaties and conventions between the United States of America and the United Mexican States, under which the United States Section operates, and to discharge the statutory functions and duties of the United States Section. Such sums shall be available for construction, operation and maintenance of stream gaging stations, and their equipment and sites therefor; personal services and rent in the District of Columbia and elsewhere; services, including those of attorneys and appraisers, in accordance with the provisions of section 3109 of title 5, at rates for individuals not in excess of $100 per diem and the United States Commissioner is authorized, notwithstanding the provisions of any other Act, to employ as consultants by contract or otherwise without regard to chapter 51 and subchapter III of chapter 53 of title 5, and the civil-service laws and regulations, retired personnel of the Armed Forces of the United States, who shall not be required to revert to an active status; travel expense, including, in the discretion of the Commissioner, expenses of attendance at meetings of organizations con-

cerned with the activities of the Commission which may be necessary for the efficient discharge of the responsibilities of the Commission; hire, with or without personal services, of work animals, and animal-drawn, and motor-propelled (including passenger) vehicles and aircraft and equipment; acquisition by donation, purchase, or condemnation, of real and personal property, including expenses of abstracts, certificates of title, and recording fees; purchase of ice and drinking water; inspection of equipment, supplies and materials by contract or otherwise; drilling and testing of foundations and dam sites, by contract if deemed necessary; payment for official telephone service in the field in case of official telephones installed in private houses when authorized under regulations established by the Commissioner; purchase of firearms and ammunition for guard purposes; and such other objects and purposes as may be permitted by laws applicable, in whole or in part, to the United States Section: *Provided*, That, when appropriations have been made for the commencement or continuation of construction or operation and maintenance of any such project, the United States Commissioner, notwithstanding the provisions of section 665 of title 31, and sections 11 and 12 of title 41, or any other law, may enter into contracts beyond the amount actually appropriated for so much of the work on any such authorized project as the physical and orderly sequence of construction makes necessary, such contracts to be subject to and dependent upon future appropriations by Congress.

(Sept. 13, 1950, ch. 948, title I, § 103, 64 Stat. 847; Aug. 19, 1964, Pub. L. 88-448, title IV, § 402(a)(29), 78 Stat. 494.)

REFERENCES IN TEXT

The civil service laws, referred to in text, are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5" were substituted for "the Classification Act of 1949, as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

"Section 3109 of title 5" was substituted for "Section 15 of the Act of August 2, 1946 (5 U.S.C. sec. 55a)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5.

AMENDMENTS

1964—Pub. L. 88-448 eliminated provisions which permitted retired personnel of the Armed Forces of the United States employed by the Commission to receive as compensation for temporary service, the difference between the rates of pay established therefor and their retired pay during the period or periods of their temporary employment.

CROSS REFERENCES

American-Mexican Chamizal Convention Act of 1964, provisions of this section as applicable to, see section 277d-25 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d-5, 277d-25 of this title.

§ 277d-4. Acquisition of properties of Imperial Irrigation District of California

The United States Commissioner, in order to comply with the provisions of articles 12 and 23 of the treaty of February 3, 1944, between the United States and Mexico, relating to the utilization of the waters of the Colorado and Tijuana Rivers and of the Rio Grande below Fort Quitman, Texas, is authorized to acquire, in the name of the United States, by purchase or by proceedings in eminent domain, the physical properties owned by the Imperial Irrigation District of California, located in the vicinity of Andrade, California, consisting of the Alamo Canal in the United States, the Rockwood Intake, the Hanlon Heading, the quarry, buildings used in connection with such facilities, and appurtenant lands, and to reconstruct, operate and maintain such properties in connection with the administration of said treaty.

(Sept. 13, 1950, ch. 948, title I, § 104, 64 Stat. 847.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-5 of this title.

§ 277d-5. Availability of prior appropriations; restriction to projects agreed to under treaty

Funds heretofore appropriated to the Department of State under the heading "International Boundary and Water Commission, United States and Mexico" shall be available for the purposes of sections 277d-1 to 277d-5 of this title: *Provided*, That authorizations under said sections shall apply only to projects agreed upon by the two Governments in accordance with the treaty of February 3, 1944.

(Sept. 13, 1950, ch. 948, title I, § 105, 64 Stat. 848.)

§ 277d-6. Douglas-Agua Prieta Sanitation Project; operation by Commission; division of costs; contribution by City of Douglas, Arizona

The Secretary of State is authorized, notwithstanding any other provision of law and subject to the conditions provided in this section and section 277d-7 of this title, to enter into an agreement with the appropriate official or officials of the United Mexican States for the operation and maintenance by the International Boundary and Water Commission, United States and Mexico, of the Douglas-Agua Prieta sanitation project, located at Douglas, Arizona, and Agua Prieta, Sonora, Mexico, heretofore constructed by the said Commission, which agreement shall contain such provisions relating to a division between the two Governments of the costs of such operation and maintenance, or of the work involved therein, as may be recommended by said Commission and approved by the Government of Mexico and by the Secretary of State on behalf of the Government of the United States: *Provided*, That no such agreement shall be entered into until the governing body of the city of Douglas, Arizona, has given assurances satisfactory to the Secretary of State that it will, so long as such agreement remains in force, contribute an equitable proportion, as determined by the United States Section of said Commission, subject to the ap-

proval of the Secretary of State, of the costs of such operation and maintenance allocated to the United States.

(Sept. 13, 1950, ch. 948, title II, § 201, 64 Stat. 848.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-7 of this title.

§ 277d-7. Authorization for appropriations; availability of prior appropriations; use of moneys received

There is authorized to be appropriated to the United States Section, International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to defray such costs as may accrue to the United States arising out of any such agreement for the operation and maintenance of such project: *Provided,* That funds heretofore appropriated to the Department of State under the heading "International Boundary and Water Commission, United States and Mexico", shall be available for expenditure for the purposes of this section and section 277d-6 of this title: *Provided furiher,* That any moneys received from the United Mexican States under the terms of any such agreement shall be available for expenditure in connection with any appropriations which may be available or which may be made for the purposes of said sections: *And provided further,* That moneys received from the city of Douglas, Arizona, pursuant to the provisions of said sections shall be available for expenditure in connection with any appropriations which may be available or which may be made available for the purposes of said sections.

(Sept. 13, 1950, ch. 948, title II, § 202, 64 Stat. 848.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-6 of this title.

§ 277d-8. Calexico Mexicali Sanitation Project; operation by Commission; division of costs; contribution by City of Calexico, California

The Secretary of State is authorized, subject to the conditions provided in this section and section 277d-9 of this title, to enter into an agreement with the appropriate official or officials of the United Mexican States for the construction, operation, and maintenance by the International Boundary and Water Commission, United States and Mexico, of a sanitation project for the cities of Calexico, California, and Mexicali, Lower California, Mexico, which agreement shall contain such provisions relating to a division between the two Governments of the cost of such construction and operation and maintenance, or of the work involved therein, as may be recommended by the said Commission and approved by the Government of Mexico and by the Secretary of State on behalf of the Government of the United States: *Provided,* That no such agreement shall be entered into until the governing body of the city of Calexico, California, has given assurances satisfactory to the Secretary of State that, so long as such agreement remains in force, the city of Calexico will contribute an equitable proportion as determined by the United States Section of said Commission, subject to the approval of the Secretary of State, of the costs of such construction, operation, and maintenance allocated to the United States.

(Sept. 13, 1950, ch. 948, title III, § 301, 64 Stat. 848.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-9 of this title.

§ 277d-9. Authorization for appropriations; availability of prior appropriations; use of moneys received

There is authorized to be appropriated to the United States section, International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to defray such costs as may accrue to the United States arising out of any such agreement for the construction, operation, and maintenance of such project: *Provided,* That funds heretofore appropriated to the Department of State under the heading "International Boundary and Water Commission, United States and Mexico", shall be available for expenditure for the purposes of this section and section 277d-8 of this title: *Provided further,* That any moneys received from the United Mexican States under the terms of any such agreement shall be available for expenditure in connection with any appropriation which may be available or which may be made available for the purposes of said sections: *And provided further,* That moneys received from the city of Calexico, California, pursuant to the provisions of said sections, shall be available for expenditure in connection with any appropriations which may be available or which may be made available for the purposes of said sections.

(Sept. 13, 1950, ch. 948, title III, § 302, 64 Stat. 849.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-8 of this title.

§ 277d-10. Nogales Sanitation Project; operation by Commission; division of costs; contribution by Nogales, Arizona

The Secretary of State is authorized, notwithstanding any other provision of law and subject to the conditions provided in this section and section 277d-11 of this title, to enter into an agreement with the appropriate official or officials of the United Mexican States for the operation and maintenance by the International Boundary and Water Commission, United States and Mexico, of the Nogales sanitation project, located at Nogales, Arizona, and Nogales, Sonora, Mexico, heretofore constructed by the said Commission, which agreement shall contain such provisions relating to a division between the two Governments of the costs of such operation and maintenance, or of the work involved therein, as may be recommended by said Commission and approved by the Government of Mexico and by the Secretary of State on behalf of the Government of the United States: *Provided,* That no such agree-

ment shall be entered into until the governing body of the city of Nogales, Arizona, has given assurances satisfactory to the Secretary of State that it will, so long as such agreement remains in force, contribute an equitable proportion, as determined by the United States section of said Commission, subject to the approval of the Secretary of State, of the costs of such operation and maintenance allocated to the United States.

(July 27, 1953, ch. 242, § 1, 67 Stat. 195.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-11 of this title.

§ 277d-11. Authorization of appropriations; availability of prior appropriations; use of moneys received

There is authorized to be appropriated to the United States section, International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to defray such costs as may accrue to the United States arising out of any such agreement for the operation and maintenance of such project: *Provided,* That funds heretofore appropriated to the Department of State under the heading "International Boundary and Water Commission, United States and Mexico", shall be available for expenditure for the purposes of this section and section 277d-10 of this title: *Provided further,* That any moneys received from the United Mexican States under the terms of any such agreement shall be available for expenditure in connection with any appropriations which may be available or which may be made for the purposes of said sections: *And provided further,* That moneys received from the city of Nogales, Arizona, pursuant to the provisions of said sections shall be available for expenditure in connection with any appropriations which may be available or which may be made available for the purposes of said sections.

(July 27, 1953, ch. 242, § 2, 67 Stat. 195.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-10 of this title.

§ 277d-12. Expenditures for flood lighting, rescue operations, repairs or restoration of flood control works threatened or destroyed by floodwaters of Rio Grande

On and after June 20, 1956, in addition to the funds available under the appropriation "Rio Grande emergency flood protection", the United States Commissioner is authorized to expend from any appropriation available to the International Boundary and Water Commission, United States and Mexico, American Section, such sums as may be necessary for prosecution of emergency flood fighting and rescue operations, repairs or restoration of any flood control works threatened or destroyed by floodwaters of the Rio Grande.

(June 20, 1956, ch. 414, title I, § 101, 70 Stat. 302.)

§ 277d-13. Authorization for international storage dam on the Rio Grande

The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is hereby authorized to conclude with the appropriate official or officials of the Government of Mexico an agreement for the joint construction, operation, and maintenance by the United States and Mexico, in accordance with the provisions of the treaty of February 3, 1944, with Mexico, of a major international storage dam on the Rio Grande at the site and having substantially the characteristics described in minute numbered 207 adopted June 19, 1958, by the said Commission, and in the "Rio Grande International Storage Dams Project—Report on Proposed Dam and Reservoir" prepared by the United States Section of the said Commission and dated September 1958.

(Pub. L. 86-605, § 1, July 7, 1960, 74 Stat. 360.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d-14, 277d-15, 277d-16 of this title.

§ 277d-14. Construction, operation, and maintenance on self-liquidating basis of facilities for generating hydroelectric energy

If agreement is concluded pursuant to section 277d-13 of this title for the construction of a major international storage dam the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized to conclude with the appropriate official or officials of Mexico an agreement consistent with article 7 of the treaty of February 3, 1944, for the construction, operation, and maintenance on a self-liquidating basis, for the United States share, of facilities for generating hydroelectric energy at said dam.

If agreement for the construction of separate facilities for generating hydroelectric energy is concluded, the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is directed to construct, operate, and maintain such self-liquidating facilities for the United States.

(Pub. L. 86-605, § 2, July 7, 1960, 74 Stat. 360.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-16 of this title.

§ 277d-15. Integration of operation of dam with other United States water conservation activities

If a dam is constructed pursuant to an agreement concluded under the authorization granted by section 277d-13 of this title, its operation for conservation and release of United States share of waters shall be integrated with other United States water conservation activities on the Rio Grande below Fort Quitman, Texas, in such manner as to provide the maximum feasible amount of water for beneficial use in the United States with the understandings that (a) releases of United States share of waters from said dam for domestic, municipal, industrial, and irrigation uses in the United States shall be

made pursuant to order by the appropriate authority or authorities of the State of Texas, and (b) the State of Texas having stipulated that the amount of water that will be available for use in the United States below Falcon Dam after the proposed dam is placed in operation will be not less than the amount available under existing conditions of river development, and to carry out such understandings and said stipulation the conservation storage of said dam shall be used, and it shall be the exclusive responsibility of the appropriate authority or authorities of said State to distribute available United States share of waters of the Rio Grande in such manner as will comply with said stipulation.

(Pub. L. 86-605, § 3, July 7, 1960, 74 Stat. 360.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-16 of this title.

§ 277d-16. Authorization of appropriations

There is hereby authorized to be appropriated to the Department of State for the use of the United States Section, International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to carry out the provisions of sections 277d-13 to 277d-16 of this title.

(Pub. L. 86-605, § 4, July 7, 1960, 74 Stat. 361.)

§ 277d-17. Chamizal boundary settlement; investigations relating to river channel; acquisition of lands; relocation of facilities

In connection with the convention between the United States of America and the United Mexican States for the solution of the problem of the Chamizal, signed August 29, 1963, the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized—

a. to conduct technical and other investigations relating to: the demarcation or monumentation of the boundary between the United States and Mexico; flood control; water resources; sanitation and prevention of pollution; channel relocation, improvement, and stabilization; and other matters related to the new river channel.

b. to acquire by donation, purchase, or condemnation, all lands required—

(1) for transfer to Mexico as provided in said convention;

(2) for construction of that portion of the new river channel and the adjoining levee in the territory of the United States;

(3) for relocation of highways, roadways, railroads, telegraph, telephone, electric transmission lines, bridges, related facilities, and any publicly owned structure or facility, the relocation of which, in the judgment of the said Commissioner, is necessitated by the project.

c. For the purpose of effecting said relocations—

(1) to perform any or all work involved in said relocations;

(2) to enter into contracts with the owners of properties to be relocated whereby they undertake to acquire any or all properties needed for said relocations, or undertake to perform any or all work involved in said relocations;

(3) to convey or exchange properties acquired or improved by the United States under sections 277d-17 to 277d-25 of this title or under said convention, with or without improvements, or to grant term or perpetual easements therein or thereover.

(Pub. L. 88-300, § 1, Apr. 29, 1964, 78 Stat. 184.)

CODIFICATION

Section is comprised of part of section 1 of Pub. L. 88-300. Remainder of section 1 is set out as a Short Title note under this section.

SHORT TITLE

Section 1 of Pub. L. 88-300 provided in part: "That this Act [which enacted sections 277d-17 to 277d-25 of this title] may be cited as the 'American-Mexican Chamizal Convention Act of 1964'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d-18, 277d-22, 277d-24, 277d-25 of this title.

§ 277d-18. Construction, operation, and maintenance of works

The United States Commissioner is authorized to construct, operate, and maintain all works provided for in said convention and sections 277d-17 to 277d-25 of this title, and to turn over the operation and maintenance of any such works to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such project or works may be in whole or in part situated, upon such terms, conditions, and requirements as the Commissioner may deem appropriate.

(Pub. L. 88-300, § 2, Apr. 29, 1964, 78 Stat. 184.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d-17, 277d-22, 277d-24, 277d-25 of this title.

§ 277d-19. Compensation of owners and tenants to prevent economic injury; regulations

The United States Commissioner, under regulations approved by the Secretary of State, and upon application of the owners and tenants of lands to be acquired by the United States to fulfill and accomplish the purposes of said convention, and to the extent administratively determined by the Commissioner to be fair and reasonable, is authorized to—

a. Reimburse the owners and tenants for expenses and other losses and damages incurred by them in the process and as a direct result of such moving of themselves, their families, and their possessions as is occasioned by said acquisition: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of its fair value, as determined by the Commissioner. No payment under this subsection shall be made unless application therefor is supported by an itemized and certified statement of the expenses, losses, and damages incurred.

b. Compensate the said owners and tenants for identifiable, reasonable, and satisfactorily

proved costs and losses to owners and tenants over and above those reimbursed under the foregoing subsection in the categories hereinafter provided, and for which purpose there shall be established by the Commissioner a board of examiners, consisting of such personnel employed and compensation fixed as he deems advisable, without regard to the provisions of the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5. Said board may hold hearings and shall examine submitted evidence and make determinations, subject to the Commissioner's approval, regarding all claims in said categories as follows:

(1) For properties—

(a) For nonconforming abodes and minimum forms of shelter for which there are no comparable properties on the market in the city of El Paso and concerning which fair market value would be inadequate to find minimum housing of equal utility, compensation to the owner up to an amount which when added to the market value allowed for his property, including land values, would enable purchase of minimum habitable housing of similar utility in another residential section of said city.

(b) For commercial properties for which there are no comparable properties on the market in or near El Paso, Texas, compensation to the owner up to an amount which, when added to the total fair market value, including the land value, would compensate the owner for the "value in use" of the real estate to him. Such "value in use" is to be determined on the basis of replacement cost less deterioration and obsolescence in existing real estate and taking into consideration factors bearing upon income attributable to the real estate.

(2) For loss in business:

(a) Loss of profits directly resulting from relocation, limited to the period between termination of business in the old location and commencement of business in the new, such period not to exceed thirty days.

(b) Loss to owner resulting from inability to rent to others housing or commercial space that can be reasonably related to uncertainties arising out of the pending acquisition of the owner's property by the United States, such losses limited to those incurred after July 18, 1963, and prior to the making by the United States of a firm offer to purchase.

(3) For penalty costs to property owners for prepayment of mortgages incident to acquisition of the properties by the United States.

(Pub. L. 88-300, § 3, Apr. 29, 1964, 78 Stat. 184.)

REFERENCES IN TEXT

The civil service laws, referred to in par. b., are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949, as amended", in par. (b), on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d-17, 277d-18, 277d-20, 277d-21, 277d-22, 277d-23, 277d-24, 277d-25 of this title.

§ 277d-20. Limitation on application for reimbursement or compensation

Application for reimbursement or compensation under section 277d-19 of this title shall be submitted to the Commissioner within either one year from the date of acquisition or the date of vacating the premises by the applicant, whichever date is later. Applications not submitted within said period shall be forever barred.

(Pub. L. 88-300, § 4, Apr. 29, 1964, 78 Stat. 185.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d-17, 277d-18, 277d-22, 277d-24, 277d-25 of this title.

§ 277d-21. Attorneys' fees; penalties

The Commissioner, in rendering an award in favor of any claimant under section 277d-19 of this title, may, as part of such award, determine and allow reasonable attorneys' fees which shall not exceed 10 per centum of the amount awarded, to be paid out of but not in addition to the amount of award, to the attorneys representing the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed by the terms of this section, if award be made, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

(Pub. L. 88-300, § 5, Apr. 29, 1964, 78 Stat. 185.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d-17, 277d-18, 277d-22, 277d-24, 277d-25 of this title.

§ 277d-22. Prohibition against duplicate payments; eligibility for payments unaffected by means employed for acquisition of property; rights and powers unaffected

Payments to be made as herein provided shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law. The means employed to acquire the property, whether by condemnation or otherwise, shall not affect eligibility for reimbursement or compensation under sections 277d-17 to 277d-25 of this title. Nothing contained in such sections shall be construed as creating any legal right or cause of action against the United States or as precluding the exercise by the Government of the right of eminent domain or any other right or power that it may have under such sections or any other law; nor shall such sections be construed as precluding an owner or tenant from asserting any rights he may have under other laws or the Constitution of the United States.

(Pub. L. 88-300, § 6, Apr. 29, 1964, 78 Stat. 186.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d-17, 277d-18, 277d-24, 277d-25 of this title.

§ 277d-23. Taxation; exclusion from gross income

No amount received as an award under subsection a. and subsections b. (1) and (3) of section 277d-19 of this title shall be included in gross income for purposes of chapter 1 of title 26. However, amounts received under subsection b. (1) shall be included in gross income to the extent that such amounts are not used within one year of the receipt thereof to purchase replacement housing or facilities.

(Pub. L. 88-300, § 7, Apr. 29, 1964, 78 Stat. 186.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d-17, 277d-18, 277d-22, 277d-24, 277d-25 of this title.

§ 277d-24. Definitions; exemption from administrative procedure provisions

As used in sections 277d-17 to 277d-25 of this title, the term "land" shall include interests in land, and the term "fair value" shall mean fair value of the interest acquired. The provisions of such sections shall be exempt from the operations of subchapter II of chapter 5, and chapter 7, of title 5.

(Pub. L. 88-300, § 8, Apr. 29, 1964, 78 Stat. 186.)

CODIFICATION

"Subchapter II of chapter 5, and chapter 7, of title 5" was substituted for "the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 1001-1011)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d-17, 277d-18, 277d-22, 277d-25 of this title.

§ 277d-25. Authorization of appropriations

There are authorized to be appropriated to the Department of State for the use of the United States section of said Commission not to exceed $44,900,000 to carry out the provisions of said convention and sections 277d-17 to 277d-25 of this title and for transfer to other Federal agencies to accomplish by them or other proper agency relocation of their facilities necessitated by the project. Of the appropriations authorized by this section, not to exceed $4,200,000 may be used to carry out the provisions of section 277d-19 of this title. The provisions of section 277d-3 of this title are hereby expressly extended to apply to the carrying out of the provisions of said convention and sections 277d-17 to 277d-25 of this title.

(Pub. L. 88-300, § 9, Apr. 29, 1964, 78 Stat. 186.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d-17, 277d-18, 277d-22, 277d-24 of this title.

§ 277d-26. Lower Colorado River emergency flood control works; agreements with Mexico for joint construction, operation and maintenance

The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized to conclude, with the appropriate official or officials of the Government of Mexico, agreements for emergency flood control measures of international character in the reaches of the lower Colorado River between Imperial Dam and the Gulf of California, in both the United States and Mexico, such agreements to provide: (a) for the joint clearing and maintaining free of trees and brush the bed and banks of the channel; for removing sediment deposits from the river channel; and (b) for corrective actions to guard against sedimentation and consequent aggradation of the river channel incident to desilting operations at diversion dams in the two countries: *Provided*, That, prior approval of the Secretary of the Interior is required of any proposed agreement with Mexico under clause (b) of this section which would involve construction and/or operation of works on the Colorado River in the United States under the jurisdiction of the Secretary. The measures contemplated herein are for the purpose of controlling floods on the lower Colorado River in accordance with article 13 of the 1944 Water Treaty with Mexico, and accomplishment thereof by the International Boundary and Water Commission, United States Section, would be in accord with the Memorandum of Understanding "as to Functions and Jurisdiction of Agencies of the United States in Relation to the Colorado and Tijuana Rivers and the Rio Grande Below Fort Quitman, Texas, Under Water Treaty Signed at Washington, February 3, 1944," between the Department of State and the United States Section, International Boundary and Water Commission and the Department of the Interior dated February 14, 1945.

(Pub. L. 88-411, § 1, Aug. 10, 1964, 78 Stat. 386.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d-27, 277d-28 of this title.

§ 277d-27. Execution of agreements

The United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized to carry out those measures agreed upon for execution by the United States in the agreements concluded pursuant to section 277d-26 of this title.

(Pub. L. 88-411, § 2, Aug. 10, 1964, 78 Stat. 386.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-28 of this title.

§ 277d-28. Authorization of appropriations

There is authorized to be appropriated to the Department of State for use of the United States Section, International Boundary and Water Commission, United States and Mexico, not in excess of $300,000 for the initial cost of the work authorized in sections 277d-26 to 277d-28 of this title, and not to exceed $30,000 annually thereafter for necessary maintenance.

(Pub. L. 88-411, § 3, Aug. 10, 1964, 78 Stat. 386; Pub. L. 93-126, § 7(b), Oct. 18, 1973, 87 Stat. 452.)

AMENDMENTS

1973—Pub. L. 93-126 substituted "$30,000" for "$20,000".

§ 277d-29. Rio Grande canalization project; flood and sediment control; agreements authorized; control gates; costs; authorization of appropriations

For the purposes of facilitating and implementing operation and maintenance of the international Rio Grande canalization project, the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized to enter into agreements with the appropriate official or officials of local organizations, as defined in the Watershed Protection and Flood Prevention Act of August 4, 1954, as amended [16 U.S.C. 1001 et seq.], for the maintenance by said local organizations either directly or indirectly through mutually satisfactory maintenance agreements with others, including the United States, of all those flood and arroyo sediment control dams, together with all related works, hereafter installed or constructed in the Rio Grande watershed between Caballo Dam and El Paso, Texas, in accordance with said Act, and which are necessary, in the opinion of Said Commissioner, to facilitate and implement the operation and maintenance of said project.

Such maintenance agreements between the local organization and the United States shall provide the extent of contribution by the United States as may be mutually agreed by the two parties, based on the degree of benefits to be derived from said dams and related works, and the contribution by the United States may be either in the form of funds or performance of the actual operation and maintenance.

Control gates shall not be installed on any of the dams which, in the opinion of the United States Commissioner, International Boundary and Water Commission, United States and Mexico, are necessary to facilitate and implement the operation and maintenance of the Rio Grande canalization project.

Arrangements made between the United States and the local organizations shall be satisfactory to the Secretary of Agriculture for defraying cost of maintaining such work of improvement in accordance with regulations prescribed by said Secretary.

There is hereby authorized to be appropriated not in excess of $50,000 per annum for contributions to maintenance authorized by this section.

(Pub. L. 88-600, Sept. 18, 1964, 78 Stat. 956; Pub. L. 93-126, § 7(c), Oct. 18, 1973, 87 Stat. 452.)

REFERENCES IN TEXT

The Watershed Protection and Flood Prevention Act of August 4, 1954, as amended, referred to in text, is act Aug. 4, 1954, ch. 656, 68 Stat. 666, as amended, which is classified principally to chapter 18 (§ 1001 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 16, and Tables volume.

AMENDMENTS

1973—Pub. L. 93-126 substituted "$50,000" for "$23,000" in the authorization for appropriations to authorized maintenance.

§ 277d-30. Lower Rio Grande drainage conveyance canal projects; agreements with Mexico for construction, operation, and maintenance; division of costs; non-Federal assurances of one-half of Federal costs

The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized, notwithstanding any other provision of law and subject to the conditions provided in this section and section 277d-31 of this title to conclude an agreement or agreements with the appropriate official or officials of the Government of the United Mexican States for the construction, operation, and maintenance by the United Mexican States under the supervision of the International Boundary and Water Commission, United States and Mexico, of a drainage conveyance canal through Mexican territory for the discharge of waters of El Morillo and other drains in the United Mexican States into the Gulf of Mexico in the manner, and having substantially the characteristics, described in said Commission's minute numbered 223, dated November 30, 1965. The agreement or agreements shall provide that the cost of construction including costs of design and right-of-way and the costs of operation and maintenance, shall be equally divided between the United Mexican States and the United States. Before concluding the agreement or agreements, the Secretary of State shall receive satisfactory assurances from private citizens or a responsible local group that they or it will pay to the United States Treasury one-half of the actual United States costs of such construction, including costs of design and right-of-way, and one-half of the actual costs of operation and maintenance allocated under such agreement or agreements to the United States. Payments to the United States Treasury under this section shall be covered into the Treasury as miscellaneous receipts.

(Pub. L. 89-584, § 1, Sept. 19, 1966, 80 Stat. 808.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-31 of this title.

§ 277d-31. Authorization of appropriations

To defray costs that accrue to the United States under the agreement or agreements referred to in section 277d-30 of this title for the construction, operation, and maintenance of drainage conveyance canal projects, there are authorized to be appropriated to the Department of State for use of the United States Section, International Boundary and Water Commission, United States and Mexico, the following amounts:

(1) Not to exceed $690,000 for costs of construction.

(2) Upon completion of construction, not to exceed $25,000 annually for costs of operation and maintenance.

(Pub. L. 89-584, § 2, Sept. 19, 1966, 80 Stat. 808; Pub. L. 93-126, § 7(a), Oct. 18, 1973, 87 Stat. 452.)

AMENDMENTS

1973—Par. (2). Pub. L. 93-126 substituted "$25,000" for "$20,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-30 of this title.

§ 277d-32. Tijuana River flood control project; agreement with Mexico for joint construction, operation and maintenance

The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is hereby authorized to conclude with the appropriate official or officials of the Government of Mexico an agreement for the joint construction, operation, and maintenance by the United States and Mexico, in accordance with the provisions of the treaty of February 3, 1944, with Mexico, of an international flood control project for the Tijuana River, which shall be located and have substantially the characteristics described in "Report on an International Flood Control Project, Tijuana River Basin", prepared by the United States Section, International Boundary and Water Commission, United States and Mexico.

(Pub. L. 89-640, § 1, Oct. 10, 1966, 80 Stat. 884.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-33 of this title.

§ 277d-33. Authorization; construction, operation, and maintenance, appropriations, and acquisition of land

Pursuant to the agreement concluded under the authority of section 277d-32 of this title, the United States Commissioner is authorized to construct, operate, and maintain the portion of the "International Flood Control Project, Tijuana River Basin," assigned to the United States, and there is hereby authorized to be appropriated to the Department of State for use of the United States section the sum of $10,800,000 for construction costs of such project, as modified, based on estimated June 1976 prices, plus or minus such amounts as may be justified by reason of price index fluctuations in costs involved therein, and such sums as may be necessary for its maintenance and operation, except that no funds may be appropriated under sections 277d-32 and 277d-33 of this title for the fiscal year ending on September 30, 1977. Contingent upon the furnishing by the city of San Diego of its appropriate share of the funds for the acquisition of the land and interests therein needed to carry out the agreement between the United States and Mexico to construct such project, the Secretary of State, acting through the United States Commissioner, is further authorized to participate financially with non-Federal interests in the acquisition of said lands and interest therein, to the extent that funds provided by the city of San Diego are insufficient for this purpose.

(Pub. L. 89-640, § 2, Oct. 10, 1966, 80 Stat. 884; Pub. L. 94-425, Sept. 28, 1976, 90 Stat. 1333.)

AMENDMENTS

1976—Pub. L. 94-425 substituted provisions authorizing appropriations of $10,800,000 for construction costs for project based on June 1976 prices, with exception that no funds may be appropriated for fiscal year ending Sept. 30, 1977 for provisions authorizing appropriations not to exceed $12,600,000 for construction costs for project, eliminated provision requiring approval of title by Attorney General, and added provision authorizing financial participation of Secretary of State through Commissioner to acquire land for construction of project contingent upon city of San Diego furnishing its appropriate share of funds.

§ 277d-34. American-Mexican Boundary Treaty, authorization for carrying out treaty provisions; investigations; land acquisition, purposes; damages, repair or compensation

In connection with the treaty between the United States of America and the United Mexican States to resolve pending boundary differences and maintain the Rio Grande and the Colorado River as the international boundary between the United States of America and the United Mexican States, signed November 23, 1970, (hereafter in this Act referred to as the "treaty"), the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States, and Mexico (hereafter in this Act referred to as the "Commissioner"), is authorized—

(1) to conduct technical and other investigations relating to—

(A) the demarcation, mapping, monumentation, channel relocation, rectification, improvement, stabilization, and other matters relating to the preservation of the river boundaries between the United States and Mexico;

(B) the establishment and delimitation of the maritime boundaries in the Gulf of Mexico and in the Pacific Ocean;

(C) water resources; and

(D) the sanitation and the prevention of pollution;

(2) to acquire by donation, purchase, or condemnation, all lands or interests in lands required—

(A) for transfer to Mexico as provided in the treaty;

(B) for construction of that portion of new river channels and the adjoining levees in the territory of the United States;

(C) to preserve the Rio Grande and the Colorado River as the boundary by preventing the construction of works which may cause deflection or obstruction of the normal flow of the rivers or of their floodflows; and

(D) for relocation of any structure or facility, public or private, the relocation of which, in the judgment of the Commissioner, is necessitated by the project; and

(3) to remove, modify, or repair the damages caused to Mexico by works constructed in the United States which the International Boundary and Water Commission, United States and Mexico, as determined have an adverse effect on Mexico, or to compensate Mexico for such damages.

(Pub. L. 92-549, title I, § 101, Oct. 25, 1972, 86 Stat. 1161.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 92-549, Oct. 25, 1972, 86 Stat. 1161, which enacted sections 277d-34 to 277d-42 of this title and amended section 1322 of Title 19, Customs Duties. For complete classification of this Act to the Code, see Short Title note set out below and Tables volume.

SHORT TITLE

Section 1 of Pub. L. 92-549 provided: "That this Act [which enacted sections 277d-34 to 277d-42 of this title and amended section 1322 of Title 19, Customs Duties] may be cited as the 'American-Mexican Boundary Treaty Act of 1972'."

§ 277d-35. Construction, operation, and maintenance of works; property relocation, contracts; transfer of authority

The Commissioner is authorized—

(1) to construct, operate, and maintain all works provided for in the treaty and title I of this Act;

(2) to enter into contracts with the owners of properties to be relocated whereby such owners undertake to perform, at the expense of the United States, any or all operations involved in such relocations; and

(3) to turn over the operation and maintenance of any works referred to in paragraph (1) of this section to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such works may be situated, in whole or in part, upon such terms, conditions, and requirements as the Commissioner may deem appropriate.

(Pub. L. 92-549, title I, § 102, Oct. 25, 1972, 86 Stat. 1161.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92-549, Oct. 25, 1972, 86 Stat. 1161, known as the "American-Mexican Boundary Treaty Act of 1972". Title I of this Act enacted sections 277d-34 to 277d-40 of this title and amended section 1322 of Title 19, Customs Duties. For complete classification of this Act to the Code, see Short Title note set out under section 277d-34 of this title and Tables Volume.

§ 277d-36. Sale of excess land

Notwithstanding any other provision of law, the Commissioner is authorized to dispose of by warranty deed, or otherwise, any land acquired by him on behalf of the United States, or obtained by the United States pursuant to treaty between the United States and Mexico, and not required for project purposes, under procedures to be formulated by the Commissioner, to adjoining landowners at such price as he considers fair and equitable, and, if not so disposed of, to turn such land over to the General Services Administration for disposal under the provisions of the Federal Property and Administrative Services Act of 1949.

(Pub. L. 92-549, title I, § 103, Oct. 25, 1972, 86 Stat. 1162.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of Title 40 and Tables volume.

§ 277d-37. Channel shifts; boundary determination

When a determination must be made under the treaty whether to permit a new channel to become the boundary, or whether or not to restore a river to its former channel, or whether, instead of restoration, the Governments should undertake a rectification of the river channel, the Commissioner's decision, approved by the Secretary of State shall be final so far as the United States is concerned, and the Commissioner is authorized to construct or arrange for the construction of such works as may be required to give effect to that decision.

(Pub. L. 92-549, title I, § 104, Oct. 25, 1972, 86 Stat. 1162.)

§ 277d-38. Acquired land, addition to State; State jurisdiction

Land acquired or to be acquired by the United States of America in accordance with the provisions of the treaty, including the tract provided for in section 277d-39 of this title, shall become a geographical part of the State to which it attaches and shall be under the civil and criminal jurisdiction of such State, without affecting the ownership of such land. The addition of land and the ceding of jurisdiction to a State shall take effect upon acceptance by such State.

(Pub. L. 92-549, title I, § 105, Oct. 25, 1972, 86 Stat. 1162.)

§ 277d-39. Hidalgo-Reynosa lands; administration; part of national wildlife refuge system

Upon transfer of sovereignty from Mexico to the United States of the 481.68 acres of land acquired by the United States from Mexico near Hidalgo-Reynosa, administration over the portion of that land which is determined by the Commissioner not to be required for the construction and maintenance of the relocated river channel shall be assumed by the Department of the Interior; and the Department of the Interior, United States Fish and Wildlife Service, is authorized to plan, establish, develop, and administer such portion of the acquired lands as a part of the national wildlife refuge system.

(Pub. L. 92-549, title I, § 106, Oct. 25, 1972, 86 Stat. 1162; Pub. L. 93-271, § 3(c), Apr. 22, 1974, 88 Stat. 92.)

CHANGE OF NAME

The Bureau of Sport Fisheries and Wildlife within the Fish and Wildlife Service, as originally referred to in text, was redesignated the United States Fish and Wildlife Service by section 3(c) of Pub. L. 93-271.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d-38 of this title.

§ 277d–40. Authorization of appropriations

There is authorized to be appropriated to the Department of State for the use of the United States section of the International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to carry out the provisions of the treaty and title I of this Act.

(Pub. L. 92–549, title I, § 108, Oct. 25, 1972, 86 Stat. 1162.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92–549, Oct. 25, 1972, 86 Stat. 1161, known as the "American-Mexican Boundary Treaty Act of 1972". Title I of this Act enacted sections 277d–34 to 277d–40 of this title and amended section 1322 of Title 19, Customs Duties. For complete classification of this Act to the Code, see Short Title note set out under section 277d–34 of this title and Tables volume.

§ 277d–41. American-Mexican Boundary Treaty, Presidio flood control project; authorization of flood-control agreement

The Secretary of State, acting through the Commissioner, is hereby authorized to conclude with the appropriate official or officials of the Government of Mexico an agreement for a coordinated plan by the United States and Mexico for international flood control works for protection of lands along the international section of the Rio Grande in the United States and in Mexico in the Presidio-Ojinaga Valley.

(Pub. L. 92–549, title II, § 201, Oct. 25, 1972, 86 Stat. 1163.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–42 of this title.

§ 277d–42. Construction, operation, and maintenance of flood control works; authorization of appropriations; restrictions

If an agreement is concluded pursuant to section 277d–41 of this title, the Commissioner is authorized to construct, operate, and maintain flood control works located in the United States having substantially the characteristics described in "Report on the Flood Control Project Rio Grande, Presidio Valley, Texas", prepared by the United States section, International Boundary and Water Commission, United States and Mexico; and there are hereby authorized to be appropriated to the Department of State for the use of the United States section of the Commission such sums as may be necessary to carry out the provisions of title II of this Act. No part of any appropriation under this section shall be expended for flood control works on any land, site, or easement unless such land, site, or easement has been acquired under the treaty for other purposes or by donation and, in the case of a donation, the title thereto has been approved in accordance with existing rules and regulations of the Attorney General of the United States.

(Pub. L. 92–549, title II, § 202, Oct. 25, 1972, 86 Stat. 1163.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92–549, Oct. 25, 1972, 86 Stat. 1161, known as the "American-Mexican Boundary Treaty Act of 1972". Title II of this Act enacted sections 277d–41 and 277d–42 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 277d–34 of this title and Tables volume.

§ 277e. Disposal of lands; issuance of licenses for use of lands; compensation for injured property

The Secretary of State is authorized to lease any land heretofore or hereafter acquired under any Act, Executive order, or treaty in connection with projects, in whole or in part, constructed or administered by the Secretary of State through the said American Commissioner, or to dispose of such lands when no longer needed, subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], by sale at public auction, after thirty days' advertisement, at a price not less than that which may be fixed by three disinterested appraisers, to be designated by the Secretary of State, or by private sale, or otherwise, at not less than such appraised value: *Provided,* That any of such land as shall have been donated to the United States and which is no longer needed may be reconveyed, without cost, to the grantor or his heirs: *Provided, further,* That the lease or disposal of any land pursuant hereto may, in the discretion of the Secretary of State, be subject to reservations in favor of the United States for rights-of-way for irrigation, drainage, river work, and other purposes, and any such disposal may be conditioned upon and made subject to inclusion of such lands in any existing irrigation district in the vicinity of such lands, the proceeds of any such lease or sale to be covered into the Treasury of the United States: *And provided further,* That in the discretion of the Secretary of State, and subject to such conditions as he may deem appropriate, conveyances of any other of such lands not needed by the United States may be made to the State to which they lie adjacent or to any similarly situated county, city, or other governmental subdivision of such State, without cost, for use for public purposes.

The Secretary of State is further authorized to issue revokable licenses for public or private use for irrigation or other structures or uses not inconsistent with the use of such lands made, or to be made, by the United States, across any lands retained by the United States, and to execute all necessary leases, title instruments, and conveyances, in order to carry out the provisions of this section.

Whenever the construction of any project or works undertaken or administered by the Secretary of State through the International Boundary and Water Commission, United States and Mexico, results in the interference with or necessitates the alteration or restoration of constructed and existing irrigation or water-supply structures, sanitary or sewage disposal works, or other structures, or physical property belonging to any municipal or private corporation, company, association, or individual, the Secretary of State may cause the restoration or reconstruction of such works, structures, or physical property or the construction of others in lieu thereof or he may compensate the owners thereof to the extent of the reasonable value thereof as the same may be agreed

upon by the American Commissioner with such owner.

The Secretary of State acting through such officers as he may designate, is further authorized to consider, adjust, and pay from funds appropriated for the project, the construction of which resulted in damages, any claim for damages accruing after March 31, 1937, caused to owners of lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of any project constructed or administered through the American Commissioner, International Boundary and Water Commission, United States and Mexico, if such claim for damages does not exceed $1,000 and has been filed with the American Commissioner within one year after the damage is alleged to have occurred, and when in the opinion of the American Commissioner such claim is substantiated by a report of a board appointed by the said Commissioner.

(Aug. 27, 1935, ch. 763, 49 Stat. 906; June 19, 1939, ch. 212, 53 Stat. 841; Oct. 31, 1951, ch. 654, § 2(15), 65 Stat. 707; Aug. 28, 1957, Pub. L. 85-201, 71 Stat. 475.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of Title 40 and Tables volume.

AMENDMENTS

1957—Pub. L. 85-201 eliminated "to citizens of the United States" following "is authorized to lease" and "to American citizens" following "or to dispose of such lands" in the first sentence of the first paragraph, preceding the first proviso.

1951—Act Oct. 31, 1951, inserted the reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended, in the text preceding first proviso of first paragraph.

1939—Act June 19, 1939, added last paragraph.

§ 277f. Valley Gravity Canal and Storage Project

The Secretary of State, with the approval of the President, shall designate the features of the Valley Gravity Canal and Storage Project which he deems international in character, and shall direct such changes in the general project plan as he deems advisable with respect to such features; and the features so designated shall be built, after consultation with the Bureau of Reclamation as to general design, by the American section of the International Boundary Commission, United States and Mexico, and shall be operated and maintained by said Commission insofar as their operation and maintenance in such manner is, in the opinion of the Secretary of State, necessary because of their international character. The construction, operation, and maintenance of such project shall be pursuant to the Federal reclamation laws, except as hereinbefore provided and except that—

(1) In addition to the nonreimbursable allocation to flood control or navigation which may be made by the Secretary of the Interior under section 485h(b) of title 43, the President, after consultation with the Secretary of State and the Secretary of the Interior, shall allocate such part of the total estimated cost of the project as he deems proper to the protection of American interests from drought hazards resulting from the uncontrolled and unregulated flow of the international portion of the Rio Grande below Old Fort Quitman, Texas. Provisions of law applicable with respect to allocations to flood control under section 485h(b) of title 43, shall, insofar as they are not inconsistent with the foregoing provisions, be applicable in like manner with respect to any allocation made under this subparagraph; and

(2) All revenues received by the United States in connection with the construction, operation, and maintenance of such projects shall be covered into the Treasury as miscellaneous receipts.

(June 28, 1941, ch. 259, § 1, 55 Stat. 338.)

REFERENCES IN TEXT

The Federal Reclamation Laws, referred to in text, are classified generally to chapter 12 (§ 371 et seq.) of Title 43, Public Lands.

CHANGE OF NAME

The International Boundary Commission, United States and Mexico, American section, to which the powers, duties, and functions of the International Water Commission, United States and Mexico, American section, were transferred by act June 30, 1932, ch. 314, § 510, 47 Stat. 417, was reconstituted as the International Boundary and Water Commission by the Water Treaty of 1944.

SUBCHAPTER V—GORGAS MEMORIAL LABORATORY

§ 278. Gorgas Memorial Laboratory; location; acceptance of funds from Latin American countries or other sources

There is hereby authorized to be permanently appropriated for each year, out of any money in the Treasury not otherwise appropriated, the sum of not to exceed $2,000,000 to be paid to the Gorgas Memorial Institute of Tropical and Preventive Medicine, Incorporated (hereinafter referred to as the Gorgas Memorial Institute), for the maintenance and operation by its, of a laboratory to be known as the Gorgas Memorial Laboratory, upon condition (1) that the necessary building or quarters for said laboratory shall be constructed within the five years next ensuing after this subchapter shall become a law, either upon the site offered by the Republic of Panama therefor, at, or adjacent to, the city of Panama, or upon a site in the Canal Zone to be provided by the United States; and (2) that the said Gorgas Memorial Institute be, and it is, authorized within its discretion, henceforth to accept from any of the Latin American Governments, or from any other sources, any funds which may be offered or given for the use of the Gorgas Memorial Institute for the maintenance and operation of the Gorgas Memorial Laboratory, and for carrying on the work of said Laboratory wherever deemed by the said Institute to be necessary or desirable.

(May 7, 1928, ch. 505, § 1, 45 Stat. 491; July 1, 1948, ch. 787, 62 Stat. 1213; Apr. 19, 1954, ch. 160, 68 Stat. 57; Sept. 21, 1959, Pub. L. 86-296, § 1, 73 Stat. 572; Sept. 11, 1965, Pub. L. 89-181, 79 Stat. 679; Dec. 30, 1974, Pub. L. 93-559, § 47, 88 Stat. 1816.)

AMENDMENTS

1974—Pub. L. 93-559 substituted "$2,000,000" for "$500,000".

1965—Pub. L. 89-181 substituted "not to exceed $500,000" for "$250,000".

1959—Pub. L. 86-296 substituted "$250,000" for "$150,000".

1954—Act Apr. 19, 1954, provided that donations for maintenance of the Laboratory may be accepted from Latin American countries and from other sources, in lieu of provisions which required that such countries be invited to contribute, and eliminated the provisions that such countries be represented on the board or council directing the administration of such Laboratory in proportion to the amount of their contributions.

1948—Act July 1, 1948, increased the annual appropriation from $50,000 to $150,000.

EFFECTIVE DATE OF 1965 AMENDMENT

Section 1 of Pub. L. 89-181 provided in part that amendment by Pub. L. 89-181 shall be effective for fiscal years ending after June 30, 1963.

EFFECTIVE DATE OF 1959 AMENDMENT

Section 1 of Pub. L. 86-296 provided in part that amendment by such act shall be effective for fiscal years ending after June 30, 1960.

ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE 30, 1970

Section 505 of Pub. L. 90-574, title V, Oct. 15, 1968, 82 Stat. 1013, provided that the annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory for the fiscal year ending June 30, 1970 would be increased by $500,000.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following Department of State Appropriation Acts:

Aug. 5, 1953, ch. 328, title I, § 101, 67 Stat. 368.
July 10, 1952, ch. 651, title I, § 101, 66 Stat. 550.
Oct. 22, 1951, ch. 533, title I, § 101, 65 Stat. 577.
Sept. 6, 1950, ch. 896, ch. III, title I, § 101, 64 Stat. 610.
July 20, 1949, ch. 354, title I, § 101, 63 Stat. 449.
June 3, 1948, ch. 400, title I, § 101, 62 Stat. 308.
July 9, 1947, ch. 211, title I, § 101, 61 Stat. 282.
July 5, 1946, ch. 541, title I, 60 Stat. 453.
May 21, 1945, ch. 129, title I, 59 Stat. 175.
June 28, 1944, ch. 294, title I, 58 Stat. 402.
July 1, 1943, ch. 182, title I, 57 Stat. 278.
July 2, 1942, ch. 472, title I, 56 Stat. 474.
June 28, 1941, ch. 258, title I, 55 Stat. 271.
May 14, 1940, ch. 189, title I, 54 Stat. 187.
June 29, 1939, ch. 248, title I, 53 Stat. 891.
Apr. 27, 1938, ch. 180, title I, 52 Stat. 253.
June 16, 1937, ch. 359, title I, 50 Stat. 267.
May 15, 1936, ch. 405, title I, 49 Stat. 1315.
Mar. 22, 1935, ch. 39, title I, 49 Stat. 73.
Apr. 7, 1934, ch. 104, title I, 48 Stat. 534.
Mar. 1, 1933, ch. 144, title I, 47 Stat. 1376.
July 1, 1932, ch. 361, title I, 47 Stat. 485.
Feb. 23, 1931, ch. 280, title I, 46 Stat. 1309.
Apr. 18, 1930, ch. 184, title I, 46 Stat. 173.
Jan. 25, 1929, ch. 102, title I, 45 Stat. 1094.

APPROPRIATION FOR CONSTRUCTION OF FACILITIES

Section 4 of act May 7, 1928, as added by section 2 of Pub. L. 86-296, and amended Pub. L. 86-617, July 12, 1960, 74 Stat. 396, provided that a sum not to exceed $500,000 be appropriated for construction and equipment of facilities for the Gorgas Memorial Laboratory, including preparation of plans and specifications, remodeling of buildings, and site improvement, but excluding the cost of acquisition of land.

CROSS REFERENCES

Gorgas Hospital, see sections 301 and 302 of Title 24, Hospitals and Asylums.

§ 278a. Annual report to Congress; examination of books and accounts

The Gorgas Memorial Institute shall make to Congress annually, on the first Monday in December, a full report of the operation and work of the Gorgas Memorial Laboratory up to the first of November next preceding, and shall include therewith a complete statement of the receipts and expenditures of said laboratory for such fiscal year. The books and accounts of the Gorgas Memorial Laboratory shall at all times be open to examination by the Comptroller General of the United States.

(May 7, 1928, ch. 505, § 3, 45 Stat. 491.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 278b of this title.

§ 278b. Time of report to Congress

Notwithstanding the provisions of section 278a of this title, the report of the operation and work of the laboratory, including the statement of the receipts and expenditures, shall be made to Congress during the first week of each regular session thereof, such a report to cover a fiscal year period ending on June 30 of the calendar year immediately preceding the convening of each such session.

(June 28, 1944, ch. 294, title I, § 1, 58 Stat. 402.)

SIMILAR PROVISIONS

The text of this section was taken from Department of State Appropriation Act, 1945. Similar provisions were contained in the following acts:

July 1, 1943, ch. 182, title I, § 1, 57 Stat. 277.
July 2, 1942, ch. 472, title I, 56 Stat. 474.
June 28, 1941, ch. 258, title I, 55 Stat. 271.
May 14, 1940, ch. 189, title I, 54 Stat. 187.
June 29, 1939, ch. 248, 53 Stat. 891.
Apr. 27, 1938, ch. 180, title I, § 1, 52 Stat. 253.
June 16, 1937, ch. 359, title I, 50 Stat. 267.

SUBCHAPTER VI—UNITED NATIONS FOOD AND AGRICULTURE ORGANIZATION

§ 279. United States membership in the United Nations Food and Agriculture Organization

The President is hereby authorized to accept membership for the United States in the Food and Agriculture Organization of the United Nations (hereinafter referred to as the "Organization") the Constitution of which is set forth in appendix I of the First Report to the Governments of the United Nations by the Interim Commission on Food and Agriculture, dated August 1, 1944.

(July 31, 1945, ch. 342, § 1, 59 Stat. 529.)

CROSS REFERENCES

Bretton Woods Agreement Act, see sections 286 to 286b, 286c to 286k-1 of this title.

§ 279a. Authorization of appropriations for payment of United States expenses in Organization; limitation of contributions

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be required for expenditure under the direction of the Secretary of State, for the payment by the United States of its proportionate share in the expenses of the Organization: *Provided*, That the percentage contribution of the United States to the total annual budget of the Organization shall not exceed 33.33 per centum.

(July 31, 1945, ch. 342, § 2, 59 Stat. 529; Sept. 21, 1950, ch. 976, § 1(b), 64 Stat. 902; Aug. 26, 1954, ch. 937, title IV, § 421, as added July 18, 1956, ch. 627, § 8(n), 70 Stat. 559; Aug. 26, 1954, ch. 937, title V, § 544(b), as added Aug. 14, 1957, Pub. L. 85-141, § 11(b)(2), 71 Stat. 365; Sept. 4, 1961, Pub. L. 87-195, pt. IV, § 709, 75 Stat. 465.)

Amendments

1961—Pub. L. 87-195 eliminated provisions which limited the annual appropriations to not more than $3,000,000.

1957—Pub. L. 85-141, § 11(b)(2), added section 544(b) to act August 26, 1954, which section 544(b) amended this section by increasing the maximum percentage contribution from 31.5 to 33.33 per centum.

1956—Act July 18, 1956, increased the authorized annual appropriation from $2,000,000, to $3,000,000, and added provisions limiting the percentage contribution of the United States to the total annual budget to not more than 31.5 per centum.

1950—Joint Res. Sept. 21, 1950, increased the authorized annual appropriation from $1,250,000 to $2,000,000.

Repeals

Section 709 of Pub. L. 87-195, which amended this section, was repealed by section 401 of Pub. L. 87-565, pt. IV, Aug. 1, 1962, 76 Stat. 263, except insofar as section 709 affected this section.

Pub. L. 85-477, ch. IV, § 401(h), June 30, 1958, 72 Stat. 270, repealed section 544(b) of act Aug. 26, 1954, except in so far as such section 544(b) affected this section.

Pub. L. 85-141, § 8(n) repealed section 421 of act August 26, 1954, except in so far as section 421 affected this section.

Similar Provisions

Similar provisions were contained in the Department of State Appropriation Act, 1946, act July 5, 1946, ch. 541, title I, § 101, 60 Stat. 453.

Annual Appropriations

Annual appropriations to meet the obligations of membership in the Food and Agriculture Organization were contained in the following Department of State Appropriation Acts:

Pub. L. 94-362, title I, § 101, July 14, 1976, 90 Stat. 938.

Pub. L. 94-121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

Pub. L. 93-433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

Pub. L. 93-162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

Pub. L. 92-544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

Pub. L. 92-77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

Pub. L. 91-472, title I, § 101, Oct. 21, 1970, 84 Stat. 1041.

Limitation of Contributions

Contributions by United States, except for special projects, limited to amount provided by Joint Res. Sept. 21, 1950, consent by State Department and reports to Congress, see section 262a of this title.

§ 279b. Integration of International Institute of Agriculture with Organization

In adopting this subchapter, it is the sense of the Congress that the Government of the United States should use its best efforts to bring about, as soon as practicable, the integration of the functions and the resources of the International Institute of Agriculture with those of the Organization, in a legal and orderly manner, to effect one united institution in such form as to provide an adequate research, informational, and statistical service for the industry of agriculture.

(July 31, 1945, ch. 342, § 3, 59 Stat. 530.)

§ 279c. Congressional authority necessary for acceptance of new obligations in Organization

Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States accept any amendment under paragraph 1 of article XX of the Constitution of the Organization involving any new obligation for the United States.

(July 31, 1945, ch. 342, § 4, 59 Stat. 530.)

§ 279d. Limitation on power of Conference to impose new obligations on United States

In adopting this subchapter the Congress does so with the understanding that paragraph 2 of article XIII does not authorize the Conference of the Organization to so modify the provisions of its Constitution as to involve any new obligation for the United States.

(July 31, 1945, ch. 342, § 5, 59 Stat. 530.)

SUBCHAPTER VII—SOUTH PACIFIC COMMISSION

§ 280. Representation in South Pacific Commission; appointment of commissioners and alternates

The President is hereby authorized to accept membership for the United States in the South Pacific Commission, created by the Agreement Establishing the South Pacific Commission, signed on February 6, 1947, at Canberra, Australia, by delegates representing the Governments of Australia, the French Republic, the Kingdom of the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and to appoint the United States Commissioners, and their alternates, thereto.

(Jan. 28, 1948, ch. 38, § 1, 62 Stat. 15.)

Purpose of Commission

In defining the purposes of act Jan. 28, 1948, Congress stated that:

"Whereas delegates representing the Governments of Australia, the French Republic, the Kingdom of the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America attended the South Seas Conference held at Canberra, Australia, and signed an

'Agreement Establishing the South Pacific Commission' on February 6, 1947; and

"Whereas the purpose of the South Pacific Commission is to encourage and strengthen international cooperation in promoting the economic and social welfare and advancement of the non-self-governing territories in the South Pacific in accordance with the principles set forth in Chapter XI of the Charter of the United Nations, thereby contributing to the maintenance of international peace and security: Therefore be it".

§ 280a. Definitions

When used in this subchapter—

(1) the term "Secretary" means the Secretary of State;

(2) the term "Government agency" means any department, independent establishment, or other agency of the Government of the United States, or any corporation wholly owned by the Government of the United States; and

(3) the term "Commission" means the South Pacific Commission.

(Jan. 28, 1948, ch. 38, § 2, 62 Stat. 15.)

§ 280b. Authorization of appropriations

There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

(a) such sums as may be required annually for the payment by the United States of its proportionate share of the expenses of the Commission and its auxiliary and subsidiary bodies, in accordance with article XIV of the agreement establishing the South Pacific Commission, as amended, except that in no event shall that payment for any fiscal year of the Commission exceed 20 per centum of all expenses apportioned among participating governments of the Commission for that year.

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities of the Commission, including salaries of the United States Commissioners, their alternates, and appropriate staff, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5; personal services in the District of Columbia; services as authorized by section 3109 of title 5; under such rules and regulations as the Secretary of State may prescribe, allowances for living quarters, including heat, fuel, and light and cost-of-living allowances to persons temporarily stationed abroad; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section 501 of title 44 and section 5 of title 41; and such other expenses as the Secretary of State finds necessary to participation by the United States in the activities of the Commission: *Provided*, That the provisions of section 287r of this title, and regulations thereunder, applicable to expenses incurred pursuant to subchapter XVII of this chapter shall be applicable to any expenses incurred pursuant to this paragraph.

(Jan. 28, 1948, ch. 38, § 3, 62 Stat. 15; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972; Sept. 21, 1950, ch. 976, § 1(c), 64 Stat. 902; May 14, 1960, Pub. L. 86-472, ch. VI, § 603, 74 Stat. 141; Jan. 31, 1964, Pub. L. 88-263, 78 Stat. 7; July 27, 1965, Pub. L. 89-91, 79 Stat. 281; Dec. 31, 1970, Pub. L. 91-632, 84 Stat. 1876; Oct. 13, 1972, Pub. L. 92-490, 86 Stat. 808.)

References in Text

The civil-service laws, referred to in subsec. (b), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

Subchapter XVII [§ 287m et seq.] of this chapter, referred to in subsec. (b), was in the original a reference to the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress).

Codification

In subsec. (b), "chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

"Section 3109 of title 5" was substituted for "section 15 of Public Law 600, Seventy-ninth Congress [5 U.S.C. 55a]" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted title 5.

"Section 501 of title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, section 1 of which enacted Title 44, Public Printing and Documents.

Amendments

1972—Subsec. (a). Pub. L. 92-490 struck out "not to exceed $250,000 per fiscal year" following "annually" and added "except that in no event shall that payment for any fiscal year of the Commission exceed 20 per centum of all expenses apportioned among participating governments of the Commission for that year" following "as amended".

1970—Subsec. (a). Pub. L. 91-632 increased the authorization of appropriations from not more than $200,000 to not more than $250,000 per fiscal year.

1965—Subsec. (a). Pub. L. 89-91 substituted "Such sums as may be required annually, not to exceed $200,000 per fiscal year" for "Not more than $150,000 for the fiscal year 1965, and $150,000 for the fiscal year 1966".

1964—Subsec. (a). Pub. L. 88-263 substituted "$150,000 for the fiscal year 1965, and $150,000 for the fiscal year 1966," for "$100,000 annually".

1960—Subsec. (a). Pub. L. 86-472 substituted "$100,000" for "$75,000".

1950—Subsec. (a). Joint Res. Sept. 21, 1950, increased the authorized annual appropriation from $20,000 to $75,000.

1949—Subsec. (a). Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923".

Repeals

Act Oct. 28, 1949, ch. 782, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

Annual Appropriations

Annual appropriations were contained in the following Department of State Appropriation Acts:

July 14, 1976, Pub. L. 94-362, title I, § 101, 90 Stat. 938.

Oct. 21, 1975, Pub. L. 94-121, title I, § 101, 89 Stat. 613.

Oct. 5, 1974, Pub. L. 93-433, title I, § 101, 88 Stat. 1188.

Nov. 27, 1973, Pub. L. 93-162, title I, § 101, 87 Stat. 637.

Oct. 25, 1972, Pub. L. 92-544, title I, § 101, 86 Stat. 1110.

Oct. 10, 1971, Pub. L. 92-77, title I, § 101, 85 Stat. 247.

Oct. 21, 1970, Pub. L. 91-472, title I, § 101, 84 Stat. 1041.
Dec. 24, 1969, Pub. L. 91-153, title I, § 101, 83 Stat. 404.
Aug. 9, 1968, Pub. L. 90-470, title I, § 101, 82 Stat. 669.
Nov. 8, 1967, Pub. L. 90-133, title I, § 101, 81 Stat. 412.
Nov. 8, 1966, Pub. L. 89-797, title I, § 101, 80 Stat. 1480.
Sept. 2, 1965, Pub. L. 89-164, title I, § 101, 79 Stat. 621.
Aug. 31, 1964, Pub. L. 88-527, title I, § 101, 78 Stat. 712.
Dec. 30, 1963, Pub. L. 88-245, title I, § 101, 77 Stat. 777.
Oct. 18, 1962, Pub. L. 87-843, title I, § 101, 76 Stat. 1081.
Sept. 21, 1961, Pub. L. 87-264, title I, § 101, 75 Stat. 546.
Aug. 31, 1960, Pub. L. 86-678, title I, § 101, 74 Stat. 557.
July 13, 1959, Pub. L. 86-84, title I, § 101, 73 Stat. 183.
June 30, 1958, Pub. L. 85-474, title I, § 101, 72 Stat. 246.
June 11, 1957, Pub. L. 85-49, title I, § 101, 71 Stat. 56.
June 20, 1956, ch. 414, title I, § 101, 70 Stat. 301.
July 7, 1955, ch. 279, title I, § 101, 69 Stat. 265.
July 2, 1954, ch. 456, title I, § 101, 68 Stat. 414.
Aug. 5, 1953, ch. 328, title I, § 101, 67 Stat. 368.
July 10, 1952, ch. 651, title I, § 101, 66 Stat. 550.
Oct. 22, 1951, ch. 533, title I, § 101, 65 Stat. 577.
Sept. 6, 1950, ch. 896, ch. III, title I, § 101, 64 Stat. 610.
July 20, 1949, ch. 354, title I, § 101, 63 Stat. 450.
June 3, 1948, ch. 400, title I, § 101, 62 Stat. 309.

LIMITATION OF CONTRIBUTIONS

Contributions by United States, except for special projects, limited to amount provided by Joint Res. Sept. 21, 1950; consent by State Department and reports to Congress, see section 262a of this title.

§ 280c. Employment of personnel with specialized skills

The Secretary is authorized, when the Commission is desirous of obtaining the services of a person having special scientific or other technical or professional qualifications, from time to time to detail, or authorize the detail of, for temporary service to or in cooperation with the Commission, any person in the employ or service of the Government of the United States who has such qualifications, with the approval of the Government agency in which such person is employed or serving, under the same conditions as those governing the detail of officers and employees of the United States Government to the government of another country in accordance with the provisions of the Act of May 25, 1938 (52 Stat. 442), as amended, except that the authority vested in the President under that Act shall be vested in the Secretary for the purpose of carrying out this section.

(Jan. 28, 1948, ch. 38, § 4, 62 Stat. 16.)

REFERENCES IN TEXT

The Act of May 25, 1938 (52 Stat. 442), as amended, referred to in text, is act May 25, 1938, ch. 277, 52 Stat. 442, as amended, which was classified to section 118e of former title 5, Executive Departments and Government Officers and Employees, and was repealed by act Jan. 26, 1948, ch. 36, § 1004(a), 62 Stat. 13. Section 1004(c) of act Jan. 26, 1948, provided that any reference to provisions of act May 25, 1938 shall be construed to be applicable to the appropriate provisions of titles III and IX of act Jan. 26, 1948 [see, now, sections 1451 et seq., 1478 and 1479 of this title].

SUBCHAPTER VIII—CARIBBEAN COMMISSION

§ 280h. Representation in Caribbean Commission; appointment of commissioners and alternates

The President is hereby authorized to accept membership for the United States in the Caribbean Commission, created by "An agreement for the establishment of the Caribbean Commission," signed in Washington on October 30, 1946, by representatives of the Governments of the French Republic, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and to appoint the United States Commissioners, and their alternates, thereto.

(Mar. 4, 1948, ch. 97, § 1, 62 Stat. 66.)

PURPOSE OF COMMISSION

In defining the purposes of act Mar. 4, 1948, Congress stated that:

"Whereas representatives of the Governments of the French Republic, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America signed 'An Agreement for the establishment of the Caribbean Commission' in Washington on October 30, 1946, which agreement continued and extended the international cooperative arrangements initiated in 1942 between the United Kingdom of Great Britain and Northern Ireland, and the United States; and

"Whereas the purpose of the Caribbean Commission is to encourage and strengthen international cooperation in promoting the economic and social welfare and advancement of the non-self-governing territories in the Caribbean area, whose economic and social development is of vital interest to the security of the United States, in accordance with the principles set forth in chapter XI of the Charter of the United Nations: Therefore be it".

ACCEPTANCE OF CARIBBEAN ORGANIZATION AGREEMENT

Pub. L. 87-73, June 30, 1961, 75 Stat. 194, provided: "That the President is hereby authorized to accept on behalf of the Government of the United States of America the 'Agreement for the Establishment of the Caribbean Organization' signed at Washington on June 21, 1960, by representatives of the Governments of the Republic of France, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America; that the participation of the Commonwealth of Puerto Rico and the Virgin Islands of the United States in the Caribbean Organization is hereby authorized; that the Caribbean Organization shall, upon promulgation by the President of an Executive order to this effect, be entitled to the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288); and that the Secretary of State is hereby authorized to appoint or designate a United States observer to the Caribbean Organization."

TERMINATION OF CARIBBEAN COMMISSION

Article III of the Agreement of the Establishment of the Caribbean Organization provides that "On the termination of the Agreement for the establishment of the Caribbean Commission, signed at Washington on October 30, 1946, the assets of the Caribbean Commission shall be and are by virtue of this Agreement transferred to and vested in the Caribbean Organization. The Caribbean Organization is hereby authorized to assume at the same time the liabilities of the

Caribbean Commission and shall be regarded as the successor body to the Caribbean Commission."

Article IV of such Agreement provides that "The Agreement for the establishment of the Caribbean Commission shall terminate at the end of the first meeting of the Caribbean Council provided for in the Statute annexed to this Agreement."

EX. ORD. NO. 10609. DELEGATION OF AUTHORITY TO APPOINT ALTERNATE COMMISSIONERS

Ex. Ord. No. 10609, May 7, 1955, 20 F.R. 3147, provided:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (65 Stat. 713), and as President of the United States, it is ordered that the Secretary of State be, and he is hereby, designated and empowered to exercise, without the approval, ratification, or other action of the President, so much of the authority vested in the President by the first section of the Joint Resolution of March 4, 1948, entitled "Joint Resolution providing for membership and participation by the United States in the Caribbean Commission and authorizing an appropriation therefor" (62 Stat. 66; 22 U.S.C. 280h) as consists of authority to appoint alternate United States Commissioners to the Caribbean Commission.

DWIGHT D. EISENHOWER.

§ 280i. Authorization of appropriations

There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

(a) Not more than $142,000 annually for the payment by the United States of its proportionate share of the expenses of the Commission and its auxiliary and subsidiary bodies, pursuant to article XV of the "agreement for the Establishment of the Caribbean Commission"; and

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities of the Commission, including salaries of the United States Commissioners, their alternates, appropriate staff, without regard to the civil-service laws, and chapter 51 and subchapter III of chapter 53 of title 5; personal services in the District of Columbia; services as authorized by section 3109 of title 5; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section 501 of title 44, and section 5 of title 41; and such other expenses as the Secretary of State finds necessary to participation by the United States in the activities of the Commission: *Provided*, That the provisions of section 287r of this title, and regulations thereunder, applicable to expenses incurred pursuant to subchapter XVII of this chapter shall be applicable to any expenses incurred pursuant to this paragraph.

(Mar. 4, 1948, ch. 97, § 2, 62 Stat. 66; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

Subchapter XVII [§ 287m et seq.] of this chapter, referred to in subsec. (b), was in the original a reference to the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress).

CODIFICATION

In subsec. (b), "chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

"Section 3109 of title 5" was substituted for "section 15 of Public Law 600, Seventy-ninth Congress [5 U.S.C. 55a]" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted title 5.

"Section 501 of title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

AMENDMENTS

1949—Subsec. (b). Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923".

REPEALS

Act Oct. 28, 1949, ch. 782, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following Department of State Appropriation Acts:

July 14, 1976, Pub. L. 94-362, title I, § 101, 90 Stat. 938.

Oct. 21, 1975, Pub. L. 94-121, title I, § 101, 89 Stat. 613.

Oct. 5, 1974, Pub. L. 93-433, title I, § 101, 88 Stat. 1188.

Nov. 27, 1973, Pub. L. 93-162, title I, § 101, 87 Stat. 637.

Oct. 25, 1972, Pub. L. 92-544, title I, § 101, 86 Stat. 1110.

Aug. 10, 1971, Pub. L. 92-77, title I, § 101, 85 Stat. 247.

Oct. 21, 1970, Pub. L. 91-472, title I, § 101, 84 Stat. 1041.

Dec. 24, 1969, Pub. L. 91-153, title I, § 101, 83 Stat. 404.

Aug. 9, 1968, Pub. L. 90-470, title I, § 101, 82 Stat. 669.

Nov. 8, 1967, Pub. L. 90-133, title I, § 101, 81 Stat. 412.

Nov. 8, 1966, Pub. L. 89-797, title I, § 101, 80 Stat. 1480.

Sept. 2, 1965, Pub. L. 89-164, title I, § 101, 79 Stat. 621.

Aug. 31, 1964, Pub. L. 88-527, title I, § 101, 78 Stat. 712.

Dec. 30, 1963, Pub. L. 88-245, title I, § 101, 77 Stat. 777.

Oct. 18, 1962, Pub. L. 87-843, title I, § 101, 76 Stat. 1081.

Sept. 21, 1961, Pub. L. 87-264, title I, § 101, 75 Stat. 546.

Aug. 31, 1960, Pub. L. 86-678, title I, § 101, 74 Stat. 557.

July 13, 1959, Pub. L. 86-84, title I, § 101, 73 Stat. 183.

June 30, 1958, Pub. L. 85-474, title I, § 101, 72 Stat. 246.

June 11, 1957, Pub. L. 85-49, title I, § 101, 71 Stat. 56.

June 20, 1956, ch. 414, title I, § 101, 70 Stat. 301.

July 7, 1955, ch. 279, title I, § 101, 69 Stat. 265.

July 2, 1954, ch. 456, title I, § 101, 68 Stat. 414.

Aug. 5, 1953, ch. 328, title I, § 101, 67 Stat. 368.

July 10, 1952, ch. 651, title I, § 101, 66 Stat. 550.

Oct. 22, 1951, ch. 533, title I, § 101, 65 Stat. 577.

Sept. 6, 1950, ch. 896, ch. III, title I, § 101, 64 Stat. 610.

July 20, 1949, ch. 354, title I, § 101, 63 Stat. 449.

June 3, 1948, ch. 400, title I, § 101, 62 Stat. 308.

CROSS REFERENCES

Consent by State Department to contributions to international organizations and reports to Congress, see section 262a of this title.

SUBCHAPTER IX—PAN AMERICAN RAILWAY CONGRESS

§ 280j. Representation in Congress; appointment of delegates and alternates

The President is hereby authorized to accept membership for the Government of the United States in, and to appoint the United States delegates and their alternates to, the Pan American Railway Congress, the constitution and bylaws of which were approved in Montevideo, Uruguay, April 1946, and deposited in the archives of the Pan American Union in Washington.

(June 28, 1948, ch. 686, § 1, 62 Stat. 1060.)

§ 280k. Authorization of appropriations

There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

(a) Not more than $15,000 annually for the payment by the United States of its proportionate share of the expenses of the Pan American Railway Congress and its Permanent Commission; and

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities thereof, including expenses of the United States delegates, their alternates, and appropriate staff, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5; personal services in the District of Columbia; services as authorized by section 3109 of title 5; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section 501 of title 44, and section 5 of title 41; and such other expenses as the Secretary of State finds necessary to participation by the United States in the activities of the organization: *Provided*, That the provisions of section 287r of this title, and regulations thereunder, applicable to expenses incurred pursuant to subchapter XVII of this chapter shall be applicable to any expenses incurred pursuant to this subsection.

(June 28, 1948, ch. 686, § 2, 62 Stat. 1060; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972; Dec. 16, 1970, Pub. L. 91-553, 84 Stat. 1441.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

Subchapter XVII [§ 287m et seq.] of this chapter, referred to in subsec. (b), was in the original a reference to the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress).

CODIFICATION

In subsec. (b), "chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

"Section 3109 of title 5" was substituted for "section 15 of Public Law 600, Seventy-ninth Congress [5 U.S.C. 55a]" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted title 5.

"Section 501 of title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, section 1 of which enacted Title 44, Public Printing and Documents.

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-553 increased the annual authorization from $5,000 to $15,000.

1949—Subsec. (b). Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923".

REPEALS

Act Oct. 28, 1949, ch. 782, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in the Pan American Railway Congress Association were contained in the following Department of State Appropriation Acts:

Pub. L. 94-362, title I, § 101, July 14, 1976, 90 Stat. 938.

Pub. L. 94-121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

Pub. L. 93-433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

Pub. L. 93-162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

Pub. L. 92-544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

Pub. L. 92-77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

Pub. L. 91-472, title I, § 101, Oct. 21, 1970, 84 Stat. 1041.

CROSS REFERENCES

Consent by State Department to contributions to international organizations and reports to Congress, see section 262a of this title.

SUBCHAPTER X—THE INSTITUTE OF INTER-AMERICAN AFFAIRS

§§ 281 to 281b. Omitted

CODIFICATION

Sections 281 to 281b of this title, which contained provisions relating to the Institute of Inter-American Affairs, have been omitted from the Code as obsolete. The Institute was created pursuant to act Aug. 5, 1947, ch. 498, 61 Stat. 780. Section 3 of such act, as amended, provided that the Institute was to have succession until June 30, 1960. Prior to such date, the Institute, together with its functions, was transferred to the Foreign Operations Administration by Reorg. Plan No. 7 of 1953, eff. Aug. 1, 1953, 18 F.R. 4541, 67 Stat. 639, set out in the Appendix to Title 5, Government Organization and Employees. The Foreign Operations Administration was abolished by Ex. Ord. No. 10610, May 9, 1955, 20 F.R. 3179, and its functions and offices were transferred to the Department of State to be administered by the International Cooperation Administration. The International Cooperation Administration was to continue to exist for a period not to exceed sixty days after the effective date of Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424 [Sept. 4, 1961], and the President was authorized to transfer offices, entities, functions, property, records, and personnel of the Administration to the Agency carrying out functions re-

lating to international development under the provisions of section 621(b), (e) of Pub. L. 87-195. The functions of the Administration were redelegated to the Agency for International Development pursuant to President's letter of Sept. 30, 1961 and Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, section 102 of which provided for the establishment of the Agency for International Development and section 103 of which continued the existence of the Administration until the end of Nov. 3, 1961 and authorized the Secretary to utilize the personnel, offices, entities, property, records, and funds of the Administration. See section 621 of Pub. L. 87-195 and Ex. Ord. No. 10973, classified as section 2381 of this title, and set out as a note under such section 2381, respectively.

Section 281, act Aug. 5, 1947, ch. 498, § 1, 61 Stat. 780, created the Institute of Inter-American Affairs.

Section 281a, act Aug. 5, 1947, ch. 498, § 2, 61 Stat. 781, set forth the purposes of the Institute of Inter-American Affairs.

Section 281b, acts Aug. 5, 1947, ch. 498, § 3, 61 Stat. 781; Sept. 3, 1949, ch. 532, § 1, 63 Stat. 685; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43; Aug. 26, 1954, ch. 937, title V, § 544(a), 68 Stat. 862; Aug. 14, 1957, Pub. L. 85-141, § 11(b)(1), 71 Stat. 365, provided that the Institute of Inter-American Affairs have succession until June 30, 1960, and set forth the powers and duties of the Institute.

§ 281b–1. Repealed. Aug. 26, 1954, ch. 937, title V, § 544(b), 68 Stat. 862

Section, act Sept. 3, 1949, ch. 532, § 1, 63 Stat. 685, related to contract authorizations.

§§ 281b–2 to 281j. Omitted

CODIFICATION

Sections 281b-2 to 281j of this title, which contained provisions relating to the Institute of Inter-American Affairs, have been omitted from the Code as obsolete. The Institute was created pursuant to act Aug. 5, 1947, ch. 498, 61 Stat. 780. Section 3 of such act, as amended, provided that the Institute was to have succession until June 30, 1960. See Codification note set out under sections 281 to 281b of this title.

Section 281b-2, acts Aug. 26, 1954, ch. 937, title V, § 544(a), 68 Stat. 862; Aug. 14, 1957, Pub. L. 85-141, § 11(b)(1), 71 Stat. 365, authorized the Institute of Inter-American Affairs to make contracts for periods not to exceed five years, with the proviso that any contract extending beyond June 30, 1960, be made subject to termination by the Institute upon notice, and provided that the Institute, on and after July 1, 1954, be subject to the applicable provisions of the Budget and Accounting Act, 1921, as amended, in lieu of the provisions of the Government Corporation Control Act, as amended [31 U.S.C. 841 et seq.].

Section 281c, act Aug. 5, 1947, ch. 498, § 4, 61 Stat. 782, provided for the transfer of assets to the United States Treasury upon termination of the corporate life of the Institute of Inter-American Affairs.

Section 281d, act Aug. 5, 1947, ch. 498, § 5, 61 Stat. 782, established a Board of Directors for the Institute of Inter-American Affairs, and enumerated the powers of the Board.

Section 281e, act Aug. 5, 1947, ch. 498, § 6, 61 Stat. 782, provided that the Institute of Inter-American Affairs be a nonprofit corporation, have no capital stock, and that no part of its revenue, earnings, or other income or property inure to the benefit of its directors, officers, and employees.

Section 281f, act Aug. 5, 1947, ch. 498, § 7, 61 Stat. 782, authorized the officers and employees of the Institute of Inter-American Affairs to hold offices upon approval of the Institute, with governments or governmental agencies of the other American Republics.

Section 281g, act Aug. 5, 1947, ch. 498, § 8, 61 Stat. 782, authorized the Secretary of State to detail employees of the Department of State to the Institute of Inter-American Affairs.

Section 281h, act Aug. 5, 1947, ch. 498, § 9, 61 Stat. 783, provided that the principal office of the Institute of Inter-American Affairs be located in the District of Columbia, with branch offices any place in the United States or the other American Republics.

Section 281i, act Aug. 5, 1947, ch. 498, § 10, 61 Stat. 783, exempted the Institute of Inter-American Affairs from taxation by any Federal, State, or local taxing authority.

Section 281j, act Aug. 5, 1947, ch. 498, § 11, 61 Stat. 783, reserved the right to alter, amend or repeal any of the provisions of sections 281 to 281b and 281c to 281*i* of this title, and set forth the savings clause for such provisions.

§ 281k. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 654

Section, act Aug. 5, 1947, ch. 498, § 12, 61 Stat. 783, provided for the transfer of property to the Institute of Inter-American Affairs.

§ 281*l*. Omitted

CODIFICATION

Section, act Aug. 5, 1947, ch. 498, § 13, 61 Stat. 783, which provided that the Institute of Inter-American Affairs be subject to the provisions of the Government Corporation Control Act, has been omitted from the Code as obsolete. See Codification note set out under sections 281 to 281b of this title.

SUBCHAPTER XI—INTERNATIONAL FINANCE CORPORATION

§ 282. Acceptance of membership by United States in International Finance Corporation

The President is hereby authorized to accept membership for the United States in the International Finance Corporation (hereinafter referred to as the "Corporation"), provided for by the Articles of Agreement of the Corporation deposited in the archives of the International Bank for Reconstruction and Development.

(Aug. 11, 1955, ch. 788, § 2, 69 Stat. 669.)

SHORT TITLE

Section 1 of act Aug. 11, 1955 provided that: "This Act [enacting this subchapter] may be cited as the 'International Finance Corporation Act'."

§ 282a. Governor, executive director, and alternates of Corporation

The governor and executive director of the International Bank for Reconstruction and Development, and the alternate for each of them, appointed under section 286a of this title, shall serve as governor, director and alternates, respectively, of the Corporation.

(Aug. 11, 1955, ch. 788, § 3, 69 Stat. 669.)

§ 282b. Applicability of National Advisory Council on International Monetary and Financial Problems; reports

The provisions of section 286b of this title, shall apply with respect to the Corporation to the same extent as with respect to the International Bank for Reconstruction and Development. Reports with respect to the Corporation under paragraphs 5 and 6 of subsection (b) of section 286b of this title, shall be included in the first report made thereunder after the establishment of the Corporation and in each succeeding report.

(Aug. 11, 1955, ch. 788, § 4, 69 Stat. 669.)

DELEGATION OF FUNCTIONS

Functions of the National Advisory Council on International Monetary and Financial Problems under this section delegated to the National Advisory Council on International Monetary and Financial Policies, see section 2(a) of Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, set out as a note under section 286b of this title.

§ 282c. Congressional authorization needed for certain actions

Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States (a) subscribe to additional shares of stock under article II, section 3, of the Articles of Agreement of the Corporation; (b) accept any amendment under article VII of the Articles of Agreement of the Corporation; (c) make any loan to the Corporation. The United States Governor of the Corporation is authorized to agree to an amendment to article III of the articles of agreement of the Corporation to authorize the Corporation to make investments of its funds in capital stock and to limit the exercise of voting rights by the Corporation unless exercise of such rights is deemed necessary by the Corporation to protect its interests, as proposed in the resolution submitted by the Board of Directors on February 20, 1961. Unless Congress by law authorizes such action, no governor or alternate representing the United States shall vote for an increase of capital stock of the Corporation under article II, section 2(c)(ii), of the Articles of Agreement of the Corporation.

(Aug. 11, 1955, ch. 788, § 5, 69 Stat. 669; Aug. 30, 1961, Pub. L. 87-185, 75 Stat. 413.)

AMENDMENTS

1961—Pub. L. 87-185 authorized acceptance of an amendment to the articles of agreement of the Corporation to permit investment in capital stock and to limit the exercise of voting rights.

§ 282d. Federal Reserve banks as depositories

Any Federal Reserve bank which is requested to do so by the Corporation shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(Aug. 11, 1955, ch. 788, § 6, 69 Stat. 669.)

§ 282e. Payment of subscriptions to Corporation by United States; dividends covered into Treasury

(a) The Secretary of the Treasury is authorized to pay the subscription of the United States to the Corporation and for this purpose is authorized to use as a public-debt transaction not to exceed $35,168,000 of the proceeds of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include such purpose. Payment under this subsection of the subscription of the United States to the Corporation and any repayment thereof shall be treated as public-debt transactions of the United States.

(b) Any payment of dividends made to the United States by the Corporation shall be covered into the Treasury as a miscellaneous receipt.

(Aug. 11, 1955, ch. 788, § 7, 69 Stat. 670.)

REFERENCES IN TEXT

The Second Liberty Bond Act, as amended, referred to in text, is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended. For classification of this Act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables volume.

§ 282f. Jurisdiction and venue of actions

For the purpose of any action which may be brought within the United States or its Territories or possessions by or against the Corporation in accordance with the Articles of Agreement of the Corporation, the Corporation shall be deemed to be an inhabitant of the Federal judicial district in which its principal office in the United States is located, and any such action at law or in equity to which the Corporation shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of any such action. When the Corporation is a defendant in any such action, it may, at any time before the trial thereof, remove such action from a State court into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

(Aug. 11, 1955, ch. 788, § 8, 69 Stat. 670.)

CROSS REFERENCES

Removal of cases from state to district courts, see section 1441 et seq. of Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

One form of action, see rule 2, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 282g. Status, privileges, and immunities of the United States

The provisions of article V, section 5(d), and article VI, sections 2 to 9, both inclusive, of the Articles of Agreement of the Corporation shall have full force and effect in the United States and its Territories and possessions upon acceptance of membership by the United States in, and the establishment of, the Corporation.

(Aug. 11, 1955, ch. 788, § 9, 69 Stat. 670.)

§ 282h. Loans to or from International Bank for Reconstruction and Development; amendment to Articles of Agreement

The United States Governor of the Corporation is authorized to agree to the amendments of the articles of agreement of the Corporation to remove the prohibition therein contained against the Corporation lending to or borrowing from the International Bank for Reconstruction and Development, and to place limitations on such borrowing.

(Aug. 11, 1955, ch. 788, § 10, as added Aug. 14, 1965, Pub. L. 89-126, § 2, 79 Stat. 519.)

SUBCHAPTER XII—INTER-AMERICAN DEVELOPMENT BANK

§ 283. Acceptance of membership by United States in Inter-American Development Bank

The President is hereby authorized to accept membership for the United States in the Inter-American Development Bank (hereinafter referred to as the "Bank"), provided for by the agreement establishing the bank (hereinafter referred to as the "agreement") deposited in the archives of the Organization of American States.

(Pub. L. 86-147, § 2, Aug. 7, 1959, 73 Stat. 299.)

SHORT TITLE

Section 1 of Pub. L. 86-147 provided that: "This Act [enacting this subchapter and amending section 24 of Title 12, Banks and Banking] may be cited as the 'Inter-American Development Bank Act'."

PAR VALUE MODIFICATION

For Congressional direction that the Secretary of the Treasury maintain the value in terms of gold of the Inter-American Development Bank's holdings of United States dollars following the establishment of a par value of the dollar at $38 for a fine troy ounce of gold pursuant to the Par Value Modification Act and for the authorization of the appropriations necessary to provide such maintenance of value, see section 449a of Title 31, Money and Finance.

§ 283a. Appointment of officers; term of office; salary

(a) Governor and alternate governor

The President, by and with the advice and consent of the Senate, shall appoint a governor of the Bank and an alternate for the governor. The term of office for the governor and the alternate governor shall be five years, but each shall remain in office until a successor has been appointed.

(b) Executive director and alternate executive director

The President, by and with the advice and consent of the Senate, shall appoint an executive director of the Bank and an alternate Executive Director. Except as provided for in article XV, section 3, of the agreement, the term of office for the executive director shall be three years, but he shall remain in office until a successor has been appointed.

(c) Compensation

No person shall be entitled to receive any salary or other compensation from the United States for services as a governor, alternate governor, or executive director.

(Pub. L. 86-147, § 3, Aug. 7, 1959, 73 Stat. 299; Pub. L. 91-599, ch. 2, § 21(b), Dec. 30, 1970, 84 Stat. 1658.)

AMENDMENTS

1970—Subsec. (b). Pub. L. 91-599 authorized the appointment of an alternate Executive Director.

§ 283b. National Advisory Council on International Monetary and Financial Problems; reports

The provisions of section 286b of this title shall apply with respect to the Bank to the same extent as with respect to the International Bank for Reconstruction and Development and the International Monetary Fund. Reports with respect to the Bank under paragraphs (5) and (6) of subsection (b) of section 286b of this title shall be included in the first report made thereunder after the establishment of the Bank and in each succeeding report.

(Pub. L. 86-147, § 4, Aug. 7, 1959, 73 Stat. 299.)

DELEGATION OF FUNCTIONS

Functions of the National Advisory Council on International Monetary and Financial Problems under this section delegated to the National Advisory Council on International Monetary and Financial Policies, see section 2(a) of Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, set out as a note under section 286b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 283i of this title.

§ 283c. Congressional authorization needed for certain actions

Unless Congress by law authorizes such action, neither the President nor any person or agency shall, on behalf of the United States, (a) subscribe to additional shares of stock under article II, section 3, or article IIA, section 2, of the agreement; (b) request or consent to any change in the quota of the United States under article IV, section 3, of the agreement; (c) accept any amendment under article XII of the agreement; or (d) make a loan or provide other financing to the Bank, except that loans or other financing may be provided to the Bank by a United States agency created pursuant to an Act of Congress which is authorized by law to make loans or provide other financing to international organizations. Unless Congress by law authorizes such actions, no governor or alternate appointed to represent the United States shall vote for any increase of capital stock of the Bank under article II, section 2, or article IIA, section 1, of the agreement or any increase in the resources of the Fund for Special Operations under article IV, section 3(g) thereof.

(Pub. L. 86-147, § 5, Aug. 7, 1959, 73 Stat. 299; Pub. L. 94-302, title I, § 103(a)(2), May 31, 1976, 90 Stat. 593.)

AMENDMENTS

1976—Pub. L. 94-302 added ", or article IIA, section 2," following "article II, section 3" and "or article IIA, section 1," following "article II, section 2,".

EFFECTIVE DATE OF 1976 AMENDMENT

Section 103(b) of Pub. L. 94-302 provided that: "The amendments made by paragraphs (2) and (3) of this section [amending sections 283c and 283h of this title] shall become effective upon approval by the Board of Governors of the Bank of the resolutions referred to in section 23 of the Inter-American Development Bank Act (22 U.S.C. 283 et seq.)."

§ 283d. Federal Reserve banks as depositories

Any Federal Reserve bank which is requested to do so by the Bank shall act as its depository or as its fiscal agent and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(Pub. L. 86-147, § 6, Aug. 7, 1959, 73 Stat. 300.)

§ 283e. Payment of subscription to Bank and Fund by United States

(a) Authorization of appropriations

There is hereby authorized to be appropriated, without fiscal year limitation, for the purchase of thirty-five thousand shares of capital stock in the Bank, $350 million. In addition, there is authorized to be appropriated, without fiscal year limitation, for payment of the subscription of the United States to the Fund for Special Operations, $100 million.

(b) Issuance of special notes

For the purpose of keeping to a minimum the cost to the United States of participation in the Bank, the Secretary of the Treasury, after paying the requisite part of the subscription and quota of the United States in the Bank required to be made under article II, section 4, and article IV, section 3, respectively, of the agreement, is authorized and directed to issue special notes of the United States from time to time, at par, and to deliver such notes to the Bank in exchange for dollars to the extent permitted by the agreement. The special notes provided for in this subsection shall be issued under the authority and subject to the provisions of the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include the purposes for which special notes are authorized and directed to be issued under this subsection, but such notes shall bear no interest, shall be nonnegotiable, and shall be payable on demand of the Bank. The face amount of special notes issued to the Bank under the authority of this subsection and outstanding at any one time shall not exceed, in the aggregate, the amount of the subscription and quota of the United States actually paid to the Bank under article II, section 4, and article IV, section 3, respectively, of the agreement.

(c) Income covered into Treasury

Any payment made to the United States by the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

(Pub. L. 86-147, § 7, Aug. 7, 1959, 73 Stat. 300.)

REFERENCES IN TEXT

The Second Liberty Bond Act, as amended, referred to in subsec. (b), is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended. For classification of this act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables volume.

§ 283f. Jurisdiction and venue of actions

For the purpose of any action which may be brought within the United States, its Territories or possessions, or the Commonwealth of Puerto Rico by or against the Bank in accordance with the agreement, the Bank shall be deemed to be an inhabitant of the Federal judicial district in which its principal office in the United States is located, and any such action at law or in equity to which the Bank shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of any such action. When the Bank is a defendant in any such action, it may, at any time before the trial thereof, remove such action from a State court into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

(Pub. L. 86-147, § 8, Aug. 7, 1959, 73 Stat. 300.)

CROSS REFERENCES

Removal of cases from State to district courts, see section 1441 et seq. of Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

One form of action, see rule 2, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 283g. Status, privileges, and immunities of the United States

The provisions of article X, section 4(c), and article XI, sections 2 to 9, both inclusive, of the agreement shall have full force and effect in the United States, its Territories and possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in, and the establishment of, the Bank.

(Pub. L. 86-147, § 9, Aug. 7, 1959, 73 Stat. 301.)

§ 283h. Securities issued by Bank as exempt securities; suspension of exemption provisions; reports to and of Securities and Exchange Commission

(a) Any securities issued by the Bank (including any guarantee by the Bank, whether or not limited in scope) in connection with raising of funds for including in the Bank's capital resources as defined in article II, section 5, and article IIA, section 4, of the agreement, and any securities guaranteed by the Bank as to both principal and interest to which the commitment in article II, section 4(a)(ii), or article IIA, section 3(c), of the agreement is expressly applicable, shall be deemed to be exempted securities within the meaning of subsection (a)(2) of section 77c of title 15 and subsection (a)(12) of section 78c of title 15. The Bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Bank and its operations and necessary in the public interest or for the protection of investors.

(b) The Securities and Exchange Commission, acting in consultation with the National Advisory Council on International Monetary and Financial Problems, is authorized to suspend the provisions of subsection (a) of this section at any time as to any or all securities issued or guaranteed by the Bank during the period of such suspension. The Commission shall include in its annual reports to Congress such information as it shall deem advisable with regard to the operations and effect of this section and in connection therewith shall include any views submitted for such purpose by any association of dealers registered with the Commission.

(Pub. L. 86-147, § 11, Aug. 7, 1959, 73 Stat. 301; Pub. L. 94-302, title I, § 103(a)(3), May 31, 1976, 90 Stat. 593.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-302 struck out "ordinary" following "in the Bank's" and added "and article IIA, section 4" following "article II, section 5" and "or article IIA, section 3(c)" following "article II, section 4(a)(ii)".

DELEGATION OF FUNCTIONS

Functions of the National Advisory Council on International Monetary and Financial Problems were delegated to the National Advisory Council on International Monetary and Financial Policies, see section 2(a) of Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, set out as a note under section 286b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 283i of this title.

§ 283i. Certain reports required

The reports of the National Advisory Council on International Monetary and Financial Problems provided for in section 286b(b)(6) of this title (and referred to in section 283b of this title) shall also cover and include the effectiveness of the provisions of section 283h of this title and the exemption for securities issued by the Bank provided by section 24 of title 12 in facilitating the operations of the Bank and the development of the economic resources of member countries of the Bank and the recommendations of the Council as to any modifications it may deem desirable in the provisions of this subchapter.

(Pub. L. 86-147, § 12, Aug. 7, 1959, 73 Stat. 301.)

DELEGATION OF FUNCTIONS

Functions of the National Advisory Council on International Monetary and Financial Problems were delegated to the National Advisory Council on International Monetary and Financial Policies, see section 2(a) of Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, set out as a note under section 286b of this title.

§ 283j. Increased United States participation in Bank activities

The United States Governor of the Bank is hereby authorized (1) to vote (A) for the increases in the authorized capital stock of the Bank under article II, Section 2, of the agreement, and (B) for an increase in the resources of the Fund for Special Operations under article IV, section 3, of the agreement, all as recommended by the Executive Directors in a report dated March 18, 1963, to the Board of Governors of the Bank; (2) to agree on behalf of the United States to subscribe to its proportinate share of the $1,000,000,000 increase in the authorized callable capital stock of the Bank; and (3) to vote for an amendment to article VIII, section 3, of the agreement to provide that the Board of Governors may, upon certain conditions, increase by one the number of Executive Directors.

(Pub. L. 86-147, § 13, as added Pub. L. 88-259, § 1, Jan. 22, 1964, 78 Stat. 3.)

§ 283j-1. Audit

(a) Establishment

The Secretary of the Treasury shall instruct the United States Executive Director to propose the establishment by the Board of Executive Directors of a program of selective but continuing independent and comprehensive audit of the Inter-American Development Bank, in accordance with such terms of reference as the Board of Executive Directors itself (or through a subcommittee), may prescribe. Such proposal shall provide that the audit reports be submitted to the Board of Executive Directors and to the Board of Governors.

(b) Scope and standards

The Comptroller General of the United States shall prepare for the Secretary of the Treasury the scope of the audit and the auditing and reporting standards for the use of the United States Executive Director in assisting in the formulation of the terms of reference.

(c) Reports

The reports of the National Advisory Council on International Monetary and Financial Policies to the Congress shall include, among other things, an appraisal of the effectiveness of the implementation and administration of the loans made by the Bank based upon the audit reports. The Comptroller General shall periodically review the reports of audit and findings issued and report to the Secretary of the Treasury and the Congress any suggestions he might have in improving the scope of the audit or auditing and reporting standards of the independent auditing firm, group, or staff.

(Pub. L. 86-147, § 14, as added Pub. L. 90-88, § 1, Sept. 22, 1967, 81 Stat. 227.)

§ 283k. Authorization of appropriations

(a) There is hereby authorized to be appropriated, without fiscal year limitation, for payment of the increased United States subscription to the capital stock of the Inter-American Development Bank, $411,760,000.

(b) There is hereby authorized to be appropriated, for payment of the increased United States subscription to the Fund for Special Operations of the Inter-American Development Bank, $50,000,000.

(Pub. L. 88-259, § 2, Jan. 22, 1964, 78 Stat. 3.)

CODIFICATION

Section was not enacted as part of Pub. L. 86-147, Aug. 7, 1959, 73 Stat. 299, known as the Inter-American Development Bank Act, which comprises this subchapter.

§ 283*l*. Increase in resources of the Fund for Special Operations

(a) Authorization of vote; payment to Fund

The United States Governor of the Bank is hereby authorized to vote in favor of the resolution entitled "Increase of Resources of the Fund for Special Operations" proposed by the Governors at their annual meeting in April 1964, and now pending before the Board of Governors of the Bank. Upon the adoption of such resolution, the United States Governor is authorized to agree, on behalf of the United States to pay to the Fund for Special Operations of the Bank, the sum of $750,000,000, in accordance with and subject to the terms and conditions of such resolution.

(b) Authorization of appropriations

There is hereby authorized to be appropriated without fiscal year limitation, for the United

States share in the increase in the resources of the Fund for Special Operations of the Bank, the sum of $750,000,000.

(c) Loan disapproval by the United States

With respect to any dollars herein provided, the voting power of the United States shall be exercised for the purpose of disapproving any loan from the Fund for Special Operations of the Bank for any project, enterprise, or activity in any country, during any period for which the President has suspended assistance to the government of such country because of any action taken on or after January 1, 1962, by the government of such country or any government agency or subdivision within such country as specified in paragraph (A), (B), or (C) of subsection (e)(1) of section 2370 of this title, and the failure of such country within a reasonable time to take appropriate steps to discharge its obligations or provide relief in accordance with provisions of such subsection.

(Pub. L. 86-147, § 15, formerly § 14, as added Pub. L. 89-6, Mar. 24, 1965, 79 Stat. 23, and renumbered Pub. L. 90-88, § 1, Sept. 22, 1967, 81 Stat. 226.)

§ 283m. Additional increases in resources of the Fund for Special Operations

(a) Authorization of vote; payment to Fund

The United States Governor of the Bank is hereby authorized to vote in favor of the resolution entitled "Increase of $1,200,000,000 in Resources of Fund for Special Operations" proposed by the Governors at their annual meeting in April 1967 and now pending before the Board of Governors of the Bank. Upon the adoption of such resolution, the United States Governor is authorized to agree, on behalf of the United States, to pay to the Fund for Special Operations of the Bank, the sum of $900,000,000, in accordance with and subject to the terms and conditions of such resolution, and subject to the further condition that in consideration of the United States balance-of-payments deficit any local cost financing, by project or otherwise, with the funds authorized under this section to be held to the minimum possible level. The United States Governor is also authorized to vote in favor of the amendment to Annex C of the agreement, now pending before the Board of Governors of the Bank, to modify the procedure employed in the election of Executive Directors.

(b) Authorization of appropriations

There is hereby authorized to be appropriated without fiscal year limitation, for the United States share in the increase in the resources of the Fund for Special Operations of the Bank, the sum of $900,000,000.

(c) Loan disapproval by the United States

The voting power of the United States shall be exercised for the purpose of disapproving any loan which might assist the recipient country directly or indirectly to acquire sophisticated or heavy military equipment.

(Pub. L. 86-147, § 16, as added Pub. L. 90-88, § 2, Sept. 22, 1967, 81 Stat. 227.)

§ 283n. Increase in authorized capital stock; United States share; authorization of appropriations

(a) The United States Governor of the Bank is hereby authorized (1) to vote for an increase in the authorized capital stock of the Bank under article II, section 2, of the agreement as recommended by the Board of Executive Directors in its report of April 1967, to the Board of Governors of the Bank; and (2) to agree on behalf of the United States to subscribe to its proportionate share of the $1,000,000,000 increase in the authorized callable capital stock of the bank.

(b) There is hereby authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury of the increased United States subscription to the capital stock of the Inter-American Development Bank, $411,760,000.

(Pub. L. 86-147, § 17, as added Pub. L. 90-325, June 4, 1968, 82 Stat. 168.)

§ 283o. Increase in authorized capital stock and additional subscriptions of members thereto; increase in resources of Fund for Special Operations and contributions thereto; United States share; authorization of appropriations

(a) The United States Governor of the Bank is hereby authorized to vote in favor of the two resolutions proposed by the Governors at their annual meeting in April 1970 and now pending before the Board of Governors of the Bank, which provide for (1) an increase in the authorized capital stock to the Bank and additional subscriptions of members thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of such resolutions the United States Governor is authorized to agree on behalf of the United States (1) to subscribe to eighty-two thousand three hundred and fifty-two shares of $10,000 par value of the increase in the authorized capital stock of the Bank of which sixty-seven thousand three hundred and fifty-two shall be callable shares and fifteen thousand shall be paid in and (2) to pay to the Fund for Special Operations an initial annual installment of $100,000,000 and, upon further authorization by the Congress two subsequent annual installments of $450,000,000 each, in accordance with and subject to the terms and conditions of such resolutions.

(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of (1) three annual installments of $50,000,000 each for the United States subscription to paid-in capital stock of the Bank; (2) two installments of $336,760,000 each for the United States subscription to the callable capital stock of the Bank; and (3) one installment of $100,000,000 for the United States share of the increase in the resources of the Fund for Special Operations of the Bank.

(Pub. L. 86-147, § 18, as added Pub. L. 91-599, ch. 2, § 21(a), Dec. 30, 1970, 84 Stat. 1658.)

§ 283p. Authorization for payment of United States contribution to increase Fund for Special Operations; authorization of appropriations

(a) The United States Governor of the Bank is authorized to pay to the Fund for Special Operations two annual installments of $450,000,000 each in accordance with and subject to the terms and conditions of the resolution adopted by the Board of Governors on December 31, 1970, concerning an increase in the resources of the Fund for Special Operations and contributions thereto.

(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of the two annual installments of $450,000,000 each for the United States share of the increase in the resources of the Fund for Special Operations of the Bank.

(Pub. L. 86-147, § 19, as added Pub. L. 92-246, § 1, Mar. 10, 1972, 86 Stat. 59.)

§ 283q. Articles of agreement; authorization to agree to amendments

The United States Governor of the Bank is authorized to agree to amendments to the provisions of the articles of agreement as provided in proposed Board of Governors resolutions entitled (a) "Amendment of the Provisions of the Agreement Establishing the Bank with Respect to Membership and to Related Matters" and (b) "Amendment of the Provisions of the Agreement Establishing the Bank with Respect to the Election of Executive Directors".

(Pub. L. 86-147, § 20, as added Pub. L. 92-246, § 1, Mar. 10, 1972, 86 Stat. 59.)

§ 283r. Expropriation of United States property; loan restrictions

The President shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law.

(Pub. L. 86-147, § 21, as added Pub. L. 92-246, § 1, Mar. 10, 1972, 86 Stat. 59.)

§ 283s. Illegal drug traffic; loan restrictions

The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970 [21 U.S.C. 801 et seq.]) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances.

(Pub. L. 86-147, § 22, as added Pub. L. 92-246, § 2, Mar. 10, 1972, 86 Stat. 60.)

REFERENCES IN TEXT

The Comprehensive Drug Abuse Prevention and Control Act of 1970, referred to in text, is Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1236, as amended, which is classified principally to chapter 13 (§ 801 et seq.) of Title 21, Food and Drugs. For complete classification of this act to the Code, see Short Title note set out under section 801 of Title 21 and Tables volume.

§ 283t. Authorization to vote on proposed resolutions

The United States Governor of the Bank is authorized to vote for three proposed resolutions of the Board of Governors entitled (a) "Amendments to the Agreement Establishing the Bank with respect to the Creation of the Inter-Regional Capital Stock of the Bank and to Related Matters", (b) "General Rules Governing Admission of Nonregional Countries to Membership in the Bank", and (c) "Increase in the Authorized Callable Ordinary Capital Stock and Subscriptions Thereto in Connection with the Admission of Nonregional Member Countries", which were submitted to the Board of Governors pursuant to a resolution of the Board of Executive Directors approved on March 4, 1975.

(Pub. L. 86-147, § 23, as added Pub. L. 94-302, title I, § 101, May 31, 1976, 90 Stat. 592.)

§ 283u. Membership in the Bank for the Bahamas and Guyana

The United States Governor of the Bank is authorized to agree to the amendments to article II, section 1(b) and article IV, section 3(b) of the Agreement Establishing the Bank, as proposed by the Board of Executive Directors, to provide for membership for the Bahamas and

Guyana in the Bank at such times and in accordance with such terms as the Bank may determine.

(Pub. L. 86-147, § 24, as added Pub. L. 94-302, title I, § 103(a)(1), May 31, 1976, 90 Stat. 592.)

§ 283v. Loans to the Caribbean Development Bank

The United States Governor of the Bank is authorized to agree to the amendments to article III, sections 1, 4, and 6(b) of the Agreement Establishing the Bank, as proposed by the Board of Executive Directors, to provide for lending to the Caribbean Development Bank.

(Pub. L. 86-147, § 25, as added Pub. L. 94-302, title I, § 103(a)(1), May 31, 1976, 90 Stat. 592.)

§ 283w. Increase in authorized capital stock of Bank and increase in resources of Fund for Special Operations; United States share; authorization of appropriations

(a) The United States Governor of the Bank is hereby authorized to vote in favor of two resolutions proposed by the Governors at a special meeting in July 1975, and now pending before the Board of Governors of the Bank, which provide for (1) an increase in the authorized capital stock of the Bank and additional subscriptions of members thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of such resolutions, the United States Governor is authorized to agree on behalf of the United States (1) to subscribe to ninety-nine thousand four hundred and seventy-four shares of $10,000 par value of the increase in the authorized capital stock of the Bank of which eighty-nine thousand five hundred and twenty-six shall be callable shares and nine thousand nine hundred and forty-eight shall be paid in and (2) to contribute to the Fund for Special Operations $600,000,000, in accordance with and subject to the terms and conditions of such resolutions.

(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of (1) $1,199,997,873 for the United States subscription to the capital stock of the Bank and (2) $600,000,000 for the United States share of the increase in the resources of the Fund for Special Operations.

(Pub. L. 86-147, § 26, as added Pub. L. 94-302, title I, § 101, May 31, 1976, 90 Stat. 591.)

§ 283x. Subscription to additional shares; authorization of appropriations

(a) The United States Governor of the Bank is hereby authorized to vote for an additional increase of one hundred and eight thousand shares of $10,000 par value in the authorized callable capital stock of the Bank as recommended in the resolution of the Board of Governors entitled "Increase of US$4 Billion in the Authorized Capital Stock and Subscriptions Thereto." Upon adoption of a Board of Governors resolution increasing the authorized capital stock of the Bank by such amount, the United States Governor is authorized to agree on behalf of the United States to subscribe to thirty-seven thousand three hundred and three shares of $10,000 par value of such additional increase in callable capital in accordance with and subject to the terms and conditions of such resolution.

(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated, without fiscal year limitation, $450,002,218 for payment by the Secretary of the Treasury.

(Pub. L. 86-147, § 27, as added Pub. L. 94-302, title I, § 101, May 31, 1976, 90 Stat. 591.)

§ 283y. Violations of internationally recognized human rights

(a) Requisite conditions for assistance; exceptions

The United States Executive Director of the Bank is authorized and directed to vote against any loan, any extension of financial assistance, or any technical assistance to any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.

(b) Report to Congress on direct benefits to people residing in countries violating human rights

In determining whether this standard is being met with regard to activities of the Inter-American Development Bank, the Committee on Foreign Relations of the Senate or the House Committee on International Relations, or the House Committee on Banking, Finance and Urban Affairs, may require the United States Governor of the Bank to submit in writing information demonstrating that such loan or assistance will directly benefit those persons in such country to which such loan or assistance is supposed to be directed, together with a detailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit such persons in such country.

(c) Investigation of violations by international organizations

In determining whether or not a country falls within the provisions of subsection (a) of this section, the Senate Committee on Foreign Relations and the House Committee on International Relations and the House Committee on Banking, Finance and Urban Affairs shall give consideration to the extent of cooperation of such country in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States.

(Pub. L. 86-147, § 28, as added Pub. L. 94-302, title I, § 103(a)(1), May 31, 1976, 90 Stat. 592; H. Res. 5, Jan. 4, 1977.)

CHANGE OF NAME

The name of the Committee on Banking, Currency and Housing of the House of Representatives was changed to Committee on Banking, Finance and Urban Affairs, effective Jan. 4, 1977, by House Resolution 5, 95th Congress.

§ 283z. Proposal of light-capital or intermediate technologies as part of Bank's development strategy; progress report to Congress

(a) The United States Executive Director of the Bank shall propose to the Board of Executive Directors of the Bank the adoption of a resolution providing (1) that the development and utilization of light-capital or intermediate technologies should be accepted as major facets of the Bank's development strategy, and (2) that such light-capital or intermediate technologies should be developed and utilized as soon as possible in all Bank activities. Such resolution shall further provide that, by the close of the calendar year 1977, some projects that employ primarily such light-capital or intermediate technologies shall be designed and approved.

(b) The United States Governor of the Bank shall report to the Congress no later than six months after May 31, 1976, on the proposal made under subsection (a) of this section, and no later than twelve months after such date on the progress that has been made with respect to such proposal.

(Pub. L. 86-147, § 29, as added Pub. L. 94-302, title I, § 104, May 31, 1976, 90 Stat. 593.)

SUBCHAPTER XIII—INTERNATIONAL DEVELOPMENT ASSOCIATION

§ 284. Acceptance of membership by United States in International Development Association

The President is hereby authorized to accept membership for the United States in the International Development Association (hereinafter referred to as the "Association"), provided for by the Articles of Agreement (hereinafter referred to as the "Articles") of the Association deposited in the archives of the International Bank for Reconstruction and Development.

(Pub. L. 86-565, § 2, June 30, 1960, 74 Stat. 293.)

SHORT TITLE

Section 1 of Pub. L. 86-565 provided that: "This Act [enacting this subchapter] may be cited as the 'International Development Association Act'."

PAR VALUE MODIFICATION

For Congressional direction that the Secretary of the Treasury maintain the value in terms of gold of the International Development Association's holdings of United States dollars following the establishment of a par value of the dollar at $38 for a fine troy ounce of gold pursuant to the Par Value Modification Act and for the authorization of the appropriations necessary to provide such maintenance of value, see section 499a of Title 31, Money and Finance.

§ 284a. Governor, executive director, and alternates of Association

The Governor and Executive Director of the International Bank for Reconstruction and Development, and the alternate for each of them, appointed under section 286a of this title, shall serve as Governor, Executive Director and alternates, respectively, of the Association.

(Pub. L. 86-565, § 3, June 30, 1960, 74 Stat. 293.)

§ 284b. National Advisory Council on International Monetary and Financial Problems; reports

The provisions of section 286b of this title, shall apply with respect to the Association to the same extent as with respect to the International Bank for Reconstruction and Development and the International Monetary Fund. Reports with respect to the Association under paragraphs (5) and (6) of subsection (b) of section 286b of this title, shall be included in the first report made thereunder after the establishment of the Association and in each succeeding report.

(Pub. L. 86-565, § 4, June 30, 1960, 74 Stat. 294.)

DELEGATION OF FUNCTIONS

Functions of the National Advisory Council on International Monetary and Financial Problems under this section delegated to the National Advisory Council on International Monetary and Financial Policies, see section 2(a) of Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, set out as a note under section 286b of this title.

§ 284c. Congressional authorization needed for certain actions

Unless Congress by law authorizes such action, neither the President nor any person or agency shall, on behalf of the United States, (a) subscribe to additional funds under article III, section 1, of the articles; (b) accept any amendment under article IX of the articles; or (c) make a loan or provide other financing to the Association.

(Pub. L. 86-565, § 5, June 30, 1960, 74 Stat. 294.)

§ 284d. Federal Reserve banks as depositories

Any Federal Reserve bank which is requested to do so by the Association shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(Pub. L. 86-565, § 6, June 30, 1960, 74 Stat. 294.)

§ 284e. Payment of subscription to Association by United States

(a) Authorization of appropriations for subscription

There is hereby authorized to be appropriated, without fiscal year limitation, for the subscription of the United States to the Association, $320,290,000.

(b) Increase in Association resources; contribution; authorization of appropriation

The United States Governor is hereby authorized (1) to vote for an increase in the resources of the Association and (2) to agree on behalf of the United States to contribute to the Association the sum of $312 million, both as recommended by the Executive Directors, in a report dated September 9, 1963, to the Board of Governors of the Association. There is hereby authorized to be appropriated out of funds supplied by the Nation's taxpayers or out of funds borrowed on their credit, without fiscal year limitations, $312 million to provide the United

States share of the increase in the resources of the Association.

(c) Issuance of special notes

For the purpose of keeping to a minimum the cost to the United States of participation in the Association, the Secretary of the Treasury is authorized and directed to issue special notes of the United States from time to time, at par, and to deliver such notes to the Association in exchange for dollars to the extent permitted by the articles. The special notes provided for in this subsection shall be issued under the authority and subject to the provisions of the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include the purposes for which special notes are authorized and directed to be issued under this subsection, but such notes shall bear no interest, shall be nonnegotiable, and shall be payable on demand of the Association. The face amount of special notes issued to the Association under the authority of this subsection and outstanding at any one time shall not exceed, in the aggregate, the amount actually paid to the Association under the articles.

(d) Income covered into Treasury

Any payment made to the United States by the Association as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

(Pub. L. 86-565, § 7, June 30, 1960, 74 Stat. 294; Pub. L. 88-310, §§ 1, 2, May 26, 1964, 78 Stat. 200.)

REFERENCES IN TEXT

The Second Liberty Bond Act, as amended, referred to in subsec. (c), is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended. For classification of this Act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables volume.

AMENDMENTS

1964—Subsec. (b). Pub. L. 88-310, § 1, added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 88-310, §§ 1, 2, redesignated former subsec. (b) as (c), and deleted ", after paying the requisite part of the subscription of the United States in the Association required to be made under the articles." following "Secretary of the Treasury" in the first sentence and "of the subscription of the United States" following "amount" in the third sentence, respectively. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 88-310, § 1, redesignated former subsec. (c) as (d).

§ 284f. Jurisdiction and venue of actions

For the purpose of any action which may be brought within the United States, its possessions, or the Commonwealth of Puerto Rico, by or against the Association in accordance with the articles, the Association shall be deemed to be an inhabitant of the Federal Judicial district in which its principal office in the United States is located, and any such action at law or in equity to which the Association shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of any such action. When the Association is a defendant in any such action, it may, at any time before the trial thereof, remove such action from a State court into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

(Pub. L. 86-565, § 8, June 30, 1960, 74 Stat. 294.)

CROSS REFERENCES

Removal of cases from State to district courts, see section 1441 et seq. of Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

One form of action, see rule 2, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 284g. Status, privileges, and immunities of the United States

The provisions of article VII, section 5(d), and article VIII sections 2 to 9, both inclusive, of the articles shall have full force and effect in the United States, its possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in, and the establishment of, the Association.

(Pub. L. 86-565, § 9, June 30, 1960, 74 Stat. 295.)

§ 284h. Increased United States participation in Association activities; authorization of appropriations

The United States Governor is hereby authorized (1) to vote in favor of the second replenishment resolutions providing for an increase in the resources of the Association, and (2) to agree on behalf of the United States to contribute to the Association the sum of $480,000,000, as recommended by the Executive Directors in a report dated March 8, 1968, to the Board of Governors of the Association. There is hereby authorized to be appropriated, without fiscal year limitation, $480,000,000 for payment by the Secretary of the Treasury of the United States share of the increase in the resources of the Association.

(Pub. L. 86-565, § 10, as added Pub. L. 91-14, May 23, 1969, 83 Stat. 10.)

§ 284i. Authorization for payment of United States contribution; authorization of appropriations

The United States Governor is hereby authorized to agree on behalf of the United States to contribute to the Association three annual installments of $320,000,000 each as recommended in the "Report of the Executive Directors to the Board of Governors on Additions to IDA Resources: Third Replenishment," dated July 21, 1970. There is hereby authorized to be appropriated, without fiscal year limiation, the amounts necessary for payment by the Secretary of the Treasury of three annual installments of $320,000,000 each for the United States share of the increase in the resources of the Association.

(Pub. L. 86-565, § 11, as added Pub. L. 92-247, § 1, Mar. 10, 1972, 86 Stat. 60.)

§ 284j. Expropriation of United States property; loan restrictions

The President shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and

the International Development Association to vote against any loan or other utilization of the funds of the Bank and the Association for the benefit of any country which has—

(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is benefically owned by the United States citizens;

(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law.

(Pub. L. 86-565, § 12, as added Pub. L. 92-247, § 1, Mar. 10, 1972, 86 Stat. 60.)

§ 284k. Illegal drug traffic; loan restrictions

The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan or other utilization of the funds of the Bank and the Association for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970 [21 U.S.C. 801 et seq.]) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances.

(Pub. L. 86-565, § 13, as added Pub. L. 92-247, § 2, Mar. 10, 1972, 86 Stat. 61.)

References in Text

The Comprehensive Drug Abuse Prevention and Control Act of 1970, referred to in text, is Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1236, as amended, which is classified principally to chapter 13 (§ 801 et seq.) of Title 21, Food and Drugs. For classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables volume.

§ 284l. Authorization for payment of United States contribution; authorization of appropriations

(a) The United States Governor is hereby authorized to agree on behalf of the United States to pay to the Association four annual installments of $375,000,000 each as the United States contribution to the Fourth Replenishment of the Resources of the Association.

(b) In order to pay for the United States contribution, there is hereby authorized to be appropriated without fiscal year limitation four annual installments of $375,000,000 each for payment by the Secretary of the Treasury.

(Pub. L. 86-565, § 14, as added Pub. L. 93-373, § 1, Aug. 14, 1974, 88 Stat. 445.)

§ 284m. Development of nuclear explosive devices; loan restrictions

The United States Governor is authorized and directed to vote against any loan or other utilization of the funds of the Association for the benefit of any country which develops any nuclear explosive device, unless the country is or becomes a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483).

(Pub. L. 86-565, § 15, as added Pub. L. 93-373, § 3, Aug. 14, 1974, 88 Stat. 445.)

SUBCHAPTER XIV—ASIAN DEVELOPMENT BANK

§ 285. Acceptance of membership by United States in Asian Development Bank

The President is hereby authorized to accept membership for the United States in the Asian Development Bank (hereinafter referred to as the "Bank") provided for by the agreement establishing the Bank (hereinafter referred to as the "agreement") deposited in the archives of the United Nations.

(Pub. L. 89-369, § 2, Mar. 16, 1966, 80 Stat. 71.)

Short Title

Section 1 of Pub. L. 89-369 provided: "That this Act [enacting this subchapter and amending section 24 of Title 12, Banks and Banking] may be cited as the 'Asian Development Bank Act'."

Par Value Modification

For Congressional direction that the Secretary of the Treasury maintain the value in terms of gold of the Asian Development Bank's holdings of United States dollars following the establishment of a par value of the dollar at $38 for a fine troy ounce of gold pursuant to the Par Value Modification Act and for the authorization of the appropriations necessary to provide such maintenance of value, see section 449a of Title 31, Money and Finance.

§ 285a. Appointment of Governor, Alternate Governor and Director; compensation

(a) The President, by and with the advice and consent of the Senate, shall appoint a Governor of the Bank, an alternate for the Governor, and a Director of the Bank.

(b) No person shall be entitled to receive any salary or other compensation from the United

States for services as a Governor or Alternate Governor. The Director may, in the discretion of the President, receive such compensation, allowances, and other benefits as, together with those received by him from the Bank, will equal those authorized for a Chief of Mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.].

(Pub. L. 89-369, § 3, Mar. 16, 1966, 80 Stat. 71.)

REFERENCES IN TEXT

The Foreign Service Act of 1946, as amended, referred to in subsec. (b), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. Provisions relating to the compensation of a Chief of Mission, class 2, are contained in section 866 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

§ 285b. Coordination of policies and operations; reports

(a) The policies and operations of the representatives of the United States on the Bank shall be coordinated with other United States policies in such manner as the President shall direct.

(b) An annual report with respect to United States participation in the Bank shall be submitted to the Congress by such agency or officer as the President shall designate.

(Pub. L. 89-369, § 4, Mar. 16, 1966, 80 Stat. 71.)

§ 285c. Congressional authorization needed for certain actions

Unless the Congress by law authorizes such action, neither the President nor any person or agency shall, on behalf of the United States, (a) subscribe to additional shares of stock of the Bank; (b) vote for or agree to any amendment of the agreement which increases the obligations of the United States, or which would change the purpose or functions of the Bank; or (c) make a loan or provide other financing to the Bank, except that funds for technical assistance note to exceed $1,000,000 in any one year may be provided to the Bank by a United States agency created pursuant to an Act of Congress which is authorized by law to provide funds to international organizations.

(Pub. L. 89-369, § 5, Mar. 16, 1966, 80 Stat. 72.)

§ 285d. Federal Reserve banks as depositories

Any Federal Reserve bank which is requested to do so by the Bank shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(Pub. L. 89-369, § 6, Mar. 16, 1966, 80 Stat. 72.)

§ 285e. Authorization of appropriations; income covered into Treasury

(a) There is hereby authorized to be appropriated, without fiscal year limitation, for the purchase of twenty thousand shares of capital stock of the Bank, $200,000,000.

(b) Any payment made to the United States by the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

(Pub. L. 89-369, § 7, Mar. 16, 1966, 80 Stat. 72.)

§ 285f. Jurisdiction and venue of actions

For the purpose of any civil action which may be brought within the United States, its territories or possessions, or the Commonwealth of Puerto Rico, by or against the Bank in accordance with the agreement, the Bank shall be deemed to be an inhabitant of the Federal judicial district in which its principal office or agency in the United States is located, and any such action to which the Bank shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States, including the courts enumerated in section 460 of title 28, shall have original jurisdiction of any such action. When the Bank is a defendant in any action in a State court, it may, at any time before the trial thereof, remove such action into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

(Pub. L. 89-369, § 8, Mar. 16, 1966, 80 Stat. 72.)

CROSS REFERENCES

Removal of cases from State to District courts, see section 1441, et seq. of Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

One form of action, see rule 2, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 285g. Status, immunities, and privileges

The agreement, and particularly articles 49 through 56, shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in, and the establishment of, the Bank. The President, at the time of deposit of the instrument of acceptance of membership by the United States in the Bank, shall also deposit a declaration that the United States retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Bank to its citizens or nationals.

(Pub. L. 89-369, § 9, Mar. 6, 1966, 80 Stat. 72.)

§ 285h. Securities issued by Bank as exempt securities; suspension of exemption provisions; reports to and of Securities and Exchange Commission

(a) Any securities issued by the Bank (including any guarantee by the Bank, whether or not limited in scope) in connection with raising of funds for inclusion in the Bank's ordinary capital resources as defined in article 7 of the agreement and any securities guaranteed by the Bank as to both principal and interest to which the commitment in article 6, section 5, of the agreement is expressly applicable, shall be deemed to be exempted securities within the meaning of subsection (a)(2) of section 77c of title 15, and subsection (a)(12) of section 78c of title 15. The Bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropri-

ate in view of the special character of the Bank and its operations and necessary in the public interest or for the protection of investors.

(b) The Securities and Exchange Commission, acting in consultation with such agency or officer as the President shall designate, is authorized to suspend the provisions of subsection (a) of this section at any time as to any or all securities issued or guaranteed by the Bank during the period of such suspension. The Commission shall include in its annual reports to Congress such information as it shall deem advisable with regard to the operations and effect of this section and in connection therewith shall include any views submitted for such purpose by any association of dealers registered with the Commission.

(Pub. L. 89-369, § 11, Mar. 16, 1966, 80 Stat. 73.)

§ 285i. Authorization for payment of United States contribution; United States Special Resources

(a) Subject to the provisions of this subchapter, the United States Governor of the Bank is authorized to enter into an agreement with the Bank providing for a United States contribution of $100,000,000 to the Bank in two annual installments of $60,000,000 and $40,000,000, beginning in fiscal year 1972. This contribution is referred to hereinafter in this subchapter as the "United States Special Resources".

(b) The United States Special Resources shall be made available to the Bank pursuant to the provisions of this subchapter and article 19 of the Articles of Agreement of the Bank, and in a manner consistent with the Bank's Special Funds Rules and Regulations.

(Pub. L. 89-369, § 12, as added Pub. L. 92-245, § 1, Mar. 10, 1972, 86 Stat. 57.)

§ 285j. United States Special Resources

(a) Development projects and programs

The United States Special Resources shall be used to finance specific high priority development projects and programs in developing member countries of the Bank with emphasis on such projects and programs in the Southeast Asia region.

(b) Authorized uses

The United States Special Resources shall be used by the Bank only for—

(1) making development loans on terms which may be more flexible and bear less heavily on the balance of payments than those established by the Bank for its ordinary operations; and

(2) providing technical assistance credits on a reimbursable basis.

(c) Eligible goods and services

(1) The United States Special Resources may be expended by the Bank only for procurement in the United States of goods produced in, or services supplied from the United States, except that the United States Governor, in consultation with the National Advisory Council on International Monetary and Financial Policies, may allow eligibility for procurement in other member countries from the United States Special Resources if he determines that such procurement eligibility would materially improve the ability of the Bank to carry out the objectives of its special funds resources and would be compatible with the international financial position of the United States.

(2) The United States Special Resources may be used to pay for administrative expenses arising from the use of the United States Special Resources, but only to the extent such expenses are not covered from the Bank's service fee or income from use of United States Special Resources.

(d) Repayment in dollars

All financing of programs and projects by the Bank from the United States Special Resources shall be repayable to the Bank by the borrowers in United States dollars.

(Pub. L. 89-369, § 13, as added Pub. L. 92-245, § 1, Mar. 10, 1972, 86 Stat. 57.)

Delegation of Functions

Functions of the National Advisory Council on International Monetary and Financial Problems were delegated to the National Advisory Council on International Monetary and Financial Policies, see section 2(a) of Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, set out as a note under section 286b of this title.

Section Referred to in Other Sections

This section is referred to in section 285*l* of this title.

§ 285k. Utilization of United States Special Resources

(a) The letters of credit provided for in section 285*l* of this title shall be issued to the Bank only to the extent that at the time of issuance the cumulative amount of the United States Special Resources provided to the Bank (A) constitute a minority of all special funds contributions to the Bank, and (B) are no greater than the largest cumulative contribution of any other single country contributing to the special funds of the Bank.

(b) The United States Governor of the Bank shall give due regard to the principles of (A) utilizing all special funds resources on an equitable basis, and (B) significantly shared participation by other contributors in each special fund to which United States Special Resources are provided.

(Pub. L. 89-369, § 14, as added Pub. L. 92-245, § 1, Mar. 10, 1972, 86 Stat. 58.)

§ 285*l*. Letter of credit form for United States Special Resources

The United States Special Resources will be provided to the Bank in the form of a nonnegotiable, noninterest-bearing, letter of credit which shall be payable to the Bank at par value on demand to meet the cost of eligible goods and services, and administrative costs authorized pursuant to section 285j(c) of this title.

(Pub. L. 89-369, § 15, as added Pub. L. 92-245, § 1, Mar. 10, 1972, 86 Stat. 58.)

Section Referred to in Other Sections

This section is referred to in section 285k of this title.

§ 285m. Withdrawal rights covering United States Special Resources

The United States shall have the right to withdraw all or part of the United States Spe-

cial Resources and any accrued resources derived therefrom under the procedures provided for in section 8.03 of the Special Funds Rules and Regulations of the Bank.

(Pub. L. 89-369, § 16, as added Pub. L. 92-245, § 1, Mar. 10, 1972, 86 Stat. 58.)

§ 285n. Authorization of appropriations to provide United States Special Resources

For the purpose of providing United States Special Resources to the Bank there is hereby authorized to be appropriated $100,000,000, all of which shall remain available until expended.

(Pub. L. 89-369, § 17, as added Pub. L. 92-245, § 1, Mar. 10, 1972, 86 Stat. 58, and amended Pub. L. 93-189, § 28, Dec. 17, 1973, 87 Stat. 732.)

AMENDMENTS

1973—Pub. L. 93-189 substituted "$100,000,000" for "$60,000,000 for the fiscal year 1972 and $40,000,000 for the fiscal year 1973".

§ 285o. Expropriation of United States property; loan restrictions

The President shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is benefically owned by United States citizens;

(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is benefically owned by United States citizens; or

(3) imposed or enforced discriminatory taxes or other exaction, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law.

(Pub. L. 89-369, § 18, as added Pub. L. 92-245, § 1, Mar. 10, 1972, 86 Stat. 58.)

§ 285p. Illegal drug traffic; loan restrictions

The Secretary of the Treasury shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970 [21 U.S.C. 801 et seq.]) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances.

(Pub. L. 89-369, § 19, as added Pub. L. 92-245, § 2, Mar. 10, 1972, 86 Stat. 58.)

REFERENCES IN TEXT

The Comprehensive Drug Abuse Prevention and Control Act of 1970, referred to in text, is Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1236, as amended, which is classified principally to chapter 13 (§ 801 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables volume.

§ 285q. Subscription to additional shares; authorization of appropriations

(a) The United States Governor of the Bank is authorized to subscribe on behalf of the United States to thirty thousand additional shares of the capital stock of the Bank in accordance with and subject to the terms and conditions of Resolution Numbered 46 adopted by the Bank's Board of Governors on November 30, 1971.

(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated without fiscal year limitation $361,904,726 for payment by the Secretary of the Treasury.

(Pub. L. 89-369, § 20, as added Pub. L. 93-537, Dec. 22, 1974, 88 Stat. 1735.)

§ 285r. Contribution to special funds; authorization of appropriations

(a) The United States Governor of the Bank is hereby authorized to agree to contribute on behalf of the United States $50,000,000 to the special funds of the Bank. This contribution shall be made available to the Bank pursuant to the provisions of article 19 of the articles of agreement of the Bank.

(b) In order to pay for the United States contribution to the special funds, there is hereby authorized to be appropriated without fiscal year limitation $50,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 89-369, § 21, as added Pub. L. 93-537, Dec. 22, 1974, 88 Stat. 1735.)

SUBCHAPTER XV—INTERNATIONAL MONETARY FUND AND BANK FOR RECONSTRUCTION AND DEVELOPMENT

§ 286. Acceptance of membership by United States in International Monetary Fund

The President is hereby authorized to accept membership for the United States in the International Monetary Fund (hereinafter referred to as the "Fund"), and in the International Bank for Reconstruction and Development (hereinafter referred to as the "Bank"), provided for by the Articles of Agreement of the Fund and the Articles of Agreement of the Bank as set forth in the Final Act of the United Nations Monetary and Financial Conference dated July 22, 1944, and deposited in the archives of the Department of State.

(July 31, 1945, ch. 339, § 2, 59 Stat. 512.)

Short Title

Section 1 of act July 31, 1945, provided: "This act [enacting this subchapter and amending section 822a of Title 31, Money and Finance] may be cited as the 'Bretton Woods Agreements Act'."

Par Value Modification

For Congressional direction that the Secretary of the Treasury maintain the value in terms of gold of the holdings in United States dollars of the International Monetary Fund and of the International Bank for Reconstruction and Development following the establishment of a par value of the dollar at $38 for a fine troy ounce of gold pursuant to the Par Value Modification Act and for the authorization of the appropriation necessary to provide such maintenance of value, see section 449a of Title 31, Money and Finance.

Cross References

Increase in lending authority of the Export-Import Bank of Washington, see sections 635 to 635h of Title 12, Banks and Banking.

United States membership in the United Nations Food and Agriculture Organization, see sections 279 to 279d of this title.

§ 286a. Appointments

(a) Governors and executive directors; term of office

The President, by and with the advice and consent of the Senate, shall appoint a governor of the Fund who shall also serve as a governor of the Bank, and an executive director of the Fund and an executive director of the Bank. The executive directors so appointed shall also serve as provisional executive directors of the Fund and the Bank for the purposes of the respective Articles of Agreement. The term of office for the governor of the Fund and of the Bank shall be five years. The term of office for the executive directors shall be two years, but the executive directors shall remain in office until their successors have been appointed.

(b) Alternates; term of office

The President, by and with the advice and consent of the Senate, shall appoint an alternate for the governor of the Fund and an alternate for the governor of the Bank. The President, by and with the advice and consent of the Senate, shall appoint an alternate for each of the executive directors. The alternate for each executive director shall be appointed from among individuals recommended to the President by the executive director. The terms of office for alternates for the governor and the executive directors shall be the same as the terms specified in subsection (a) of this section for the governor and executive directors.

(c) Compensation for services

No person shall be entitled to receive any salary or other compensation from the United States for services as a governor, executive director, or alternate.

(July 31, 1945, ch. 339, § 3, 59 Stat. 512; Aug. 15, 1973, Pub. L. 93-94, 87 Stat. 314.)

Subsections (c) and (d)

Pub. L. 94-564, §§ 2, 9, Oct. 19, 1976, 90 Stat. 2660, 2661, provided that effective upon entry into force of the amendments to the Articles of Agreement of the International Monetary Fund approved in Resolution Numbered 31-4 of the Board of Governors of the Fund, subsec. (c) will be amended to read as follows and subsec. (d) will be added as set out below:

"(c) Should the provisions of Schedule D of the Articles of Agreement of the Fund apply, the Governor of the Fund shall also serve as councillor, shall designate an alternate for the councillor, and may designate associates.

"(d) No person shall be entitled to receive any salary or other compensation from the United States for services as a Governor, executive director, councillor, alternate, or associate."

Amendments

1973—Subsec. (b). Pub. L. 93-94 substituted "and an alternate for the governor of the Bank" for "who shall also serve as alternate for the governor of the Bank".

Section Referred to in Other Sections

This section is referred to in sections 282a, 284a of this title.

§ 286b. National Advisory Council on International Monetary and Financial Problems

(a) Establishment and composition

In order to coordinate the policies and operations of the representatives of the United States on the Fund and the Bank and of all agencies of the Government which make or participate in making foreign loans or which engage in foreign financial, exchange or monetary transactions, there is hereby established the National Advisory Council on International Monetary and Financial Problems (hereinafter referred to as the "Council"), consisting of the Secretary of the Treasury, as Chairman, the Secretary of State, the Secretary of Commerce, the Chairman of the Board of Governors of the Federal Reserve System, the President of the Export-Import Bank of the United States, and during such period as the Foreign Operations Administration shall continue to exist, the Director of the Foreign Operations Administration.

(b) Duties and functions; reports by Council

(1) The Council, after consultation with the representatives of the United States on the Fund and the Bank, shall recommend to the President general policy directives for the guid-

ance of the representatives of the United States on the Fund and the Bank.

(2) The Council shall advise and consult with the President and the representatives of the United States on the Fund and the Bank on major problems arising in the administration of the Fund and the Bank.

(3) The Council shall coordinate, by consultation or otherwise, so far as is practicable, the policies and operations of the representatives of the United States on the Fund and the Bank, the Export-Import Bank of the United States and all other agencies of the Government to the extent that they make or participate in the making of foreign loans or engage in foreign financial, exchange or monetary transactions.

(4) Whenever, under the Articles of Agreement of the Fund or the Articles of Agreement of the Bank, the approval, consent or agreement of the United States is required before an act may be done by the respective institutions, the decision as to whether such approval, consent, or agreement, shall be given or refused shall (to the extent such decision is not prohibited by section 286c of this title) be made by the Council, under the general direction of the President. No governor, executive director, or alternate representing the United States shall vote in favor of any waiver of condition under article V, section 4, or in favor of any declaration of the United States dollar as a scarce currency under article VII, section 3, of the Articles of Agreement of the Fund, without prior approval of the Council.

(5) The Council shall transmit to the President and to the Congress an annual report with respect to the participation of the United States in the Fund and Bank.

(6) Each such report shall contain such data concerning the operations and policies of the Fund and Bank, such recommendations concerning the Fund and Bank, and such other data and material as the Council may deem appropriate.

(7) The Council shall make such reports and recommendations to the President as he may from time to time request, or as the Council may consider necessary to more effectively or efficiently accomplish the purposes of this subchapter or the purposes for which the Council is created.

(c) Reports to Council

The representatives of the United States on the Fund and the Bank, and the Export-Import Bank of the United States (and all other agencies of the Government to the extent that they make or participate in the making of foreign loans or engage in foreign financial, exchange or monetary transactions) shall keep the Council fully informed of their activities and shall provide the Council with such further information or data in their possession as the Council may deem necessary to the appropriate discharge of its responsibilities under this subchapter.

(July 31, 1945, ch. 339, § 4, 59 Stat. 512; Apr. 3, 1948, ch. 169, title I, § 106, 62 Stat. 141; Oct. 10, 1951, ch. 479, title V, § 501(e)(2), 65 Stat. 378; June 20, 1952, ch. 449, § 7(c), 66 Stat. 144; 1953 Reorg. Plan No. 5, eff. June 30, 1953, 18 F.R. 3741, 67 Stat. 637; 1953 Reorg. Plan No. 7, eff. Aug. 1, 1953, 18 F.R. 4541, 67 Stat. 639; Aug. 9, 1954, ch. 660, § 2, 68 Stat. 678; Aug. 14, 1965, Pub. L. 89-126, § 1(1), 79 Stat. 519; Mar. 13, 1968, Pub. L. 90-267, § 1(a), 82 Stat. 47.)

AMENDMENTS

1965—Subsec. (b)(5). Pub. L. 89-126 substituted provisions requiring an annual report, for provisions which required the Council to report from time to time, but not less frequently than every six months.

Subsec. (b)(6). Pub. L. 89-126 eliminated provisions which required special reports on the operations and policies of the Fund and Bank and prescribed the contents of such reports, and inserted provisions requiring the annual report to contain such data concerning the operations and policies of the Fund and Bank, such recommendations concerning the Fund and the Bank, and such other data and material as deemed appropriate.

1954—Subsec. (a). Act Aug. 9, 1954, provided membership on the Council for the President of the Export-Import Bank of Washington.

1951—Subsec. (a). Act Oct. 10, 1951, substituted "Mutual Security Agency" for "Economic Cooperation Administration", and "Director for Mutual Security" for "Administrator for Economic Cooperation".

1948—Subsec. (a). Act Apr. 3, 1948, ch. 169, title I, § 106, 62 Stat. 141 , added the Administrator for Economic Cooperation, during the existence of the Administration, to the membership of the National Advisory Council.

CHANGE OF NAME

"Export-Import Bank of Washington" was changed to "Export-Import Bank of the United States" to conform to such change in name in the Export-Import Bank Act of 1945, section 635 et seq. of Title 12, Banks and Banking, provided for in section 1(a) of Pub. L. 90-267.

EFFECTIVE DATE OF 1954 AMENDMENT

Amendment by act Aug. 9, 1954, effective upon initial appointment of President, First Vice President, and one member of the Board of Directors of the Export-Import Bank of Washington, see note under section 635a of Title 12, Banks and Banking.

REPEALS

Section 7(c) of act June 20, 1952, repealed act Apr. 3, 1948, ch. 169, title I, § 106, 62 Stat. 141, which had amended subsec. (a) of this section.

ABOLITION OF OFFICE OF DIRECTOR FOR MUTUAL SECURITY AND TRANSFER OF FUNCTIONS

The office of Director for Mutual Security was abolished and the functions of the Director transferred to the Director of the Foreign Operations Administration by Reorg. Plan No. 7 of 1953, eff. Aug. 1, 1953, 18 F.R. 4541. Section 4 of said Reorg. Plan No. 7 of 1953, specifically provided that the Director of the Foreign Operations Administration shall be a member of the National Advisory Council on International Monetary and Financial Problems.

The Foreign Operations Administration was abolished by Ex. Ord. No. 10610, May 9, 1955, 20 F.R. 3179, and its functions and offices were transferred to the Department of State to be administered by the International Cooperation Administration. For later transfer, see section 2381 of this title, and Ex. Ord. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

ABOLITION OF FUNCTIONS

The function of the Chairman of the Board of Directors of the Export-Import Bank of Washington of being a member of the National Advisory Council on International Monetary and Financial Problems was abolished by Reorg. Plan No. 5 of 1953, eff. June 30, 1953, 18 F.R. 3741, 67 Stat. 637, set out in the Appen-

dix to Title 5, Government Organization and Employees.

ABOLITION OF NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS

The National Advisory Council on International Monetary and Financial Problems was abolished and its functions, together with the functions of its chairman and other officers, were transferred to the President of the United States by sections 1(b) and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Inter-American Development Bank, applicability of provisions, see sections 283b and 283i of this title.

EX. ORD. NO. 11269. NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES

Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, as amended by Ex. Ord. No. 11334, Mar. 7, 1967, 32 F.R. 3933; Ex. Ord. No. 11808, Sept. 30, 1974, 39 F.R. 35563; Ex. Ord. No. 11977, Mar. 14, 1977, 42 F.R. 14671, provided:

By virtue of the authority vested in me by Reorganization Plan No. 4 of 1965 (30 F.R. 9353) [set out in the Appendix to Title 5, Government Organization and Employees], and as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Council.* (a) There is hereby established the National Advisory Council on International Monetary and Financial Policies, hereinafter referred to as the Council.

(b) The Council shall be composed of the following members: the Secretary of the Treasury, who shall be the chairman of the Council, the Assistant to the President for Economic Affairs, who shall be Deputy Chairman of the Council, the Secretary of State, the Secretary of Commerce, the Chairman of the Board of Governors of the Federal Reserve System, and the President of the Export-Import Bank of Washington [now the Export-Import Bank of the United States].

(c) Whenever matters within the jurisdiction of the Council may be of interest to Federal agencies not represented on the Council under Section 1(b) of this order, the Chairman of the Council may consult with such agencies and may invite them to designate representatives to participate in meetings and diliberations of the Council.

SEC. 2. *Functions of the Council.* (a) Exclusive of the functions delegated by the provisions of Section 3, below, and subject to the limitations contained in subsection (b) of this Section, all of the functions which are now vested in the President in consequence of their transfer to him effected by the provisions of Section 1(b) of Reorganization Plan No. 4 of 1965 are hereby delegated to the Council.

(b) The functions under Sections 4(a) and 4(b)(3) of the Bretton Woods Agreements Act, including those made applicable to the International Finance Corporation, the Inter-American Development Bank, and the International Development Association (22 U.S.C. 286b(a) and (b)(3); 282b; 283b; 284b), to the extent that such functions consist of coordination of policies, are hereby delegated to the Council. The functions so delegated shall be deemed to include the authority to review proposed individual loan, financial, exchange, or monetary transactions to the extent necessary or desirable to effectuate the coordination of policies.

(c) The Council shall perform with respect to the Asian Development Bank and African Development Fund, the same functions as those delegated to it by subsections (a) and (b) of this section with respect to other international financial institutions.

SEC. 3. *Functions of the Secretary of the Treasury.* (a) Functions which are now vested in the President in consequence of their transfer to him effected by the provisions of Section 1(b) of Reorganization Plan No. 4 of 1965 are hereby delegated to the Secretary of the Treasury to the extent of the following:

(1) Authority to instruct representatives of the United States to international financial organizations.

(2) Authority provided for in Section 4(b)(4) of the Bretton Woods Agreements Act (22 U.S.C. 286b(b)(4)).

(b) In carrying out the functions delegated to him by subsection (a) of this Section the Secretary shall consult with the Council.

(c) Nothing in this order shall be deemed to derogate from the responsibilities of the Secretary of State with respect to the foreign policy of the United States.

(d) The Secretary of the Treasury shall perform, with respect to the Asian Development Bank and African Development Fund, the same functions as those delegated to him by subsections (a) and (b) of this section with respect to other international financial institutions.

(e) The Secretary of the Treasury is hereby delegated the functions conferred upon the President by Section 203(b) and Section 207 of the Act of May 31, 1976 (90 Stat. 593 and 594, 22 U.S.C. 290g-1 and 290g-5).

SEC. 4. *Information.* (a) All agencies and officers of the Government, including representatives of the United States to international financial organizations, (1) shall keep the Council or the Secretary of the Treasury, as the case may be, fully informed concerning the foreign loan, financial, exchange, and monetary transactions in which they engage or may engage or with respect to which they have other responsibility, and (2) shall provide the Council and the Secretary with such further information or data in their possession as the Council or the Secretary, as the case may be, may deem necessary to the appropriate discharge of the responsibilities of the Council and Secretary under Sections 2 and 3 of this order, respectively.

(b) The Council shall from time to time transmit to all appropriate agencies and officers of the Government statements of the policies of the Council under this order and such other information relating to the above-mentioned transactions or to the functions of the Council hereunder as the Council shall deem desirable.

SEC. 5. *Executive Order No. 10033.* Section 2(a) of Executive Order No. 10033 of February 8, 1949 [set out as a note under section 286f of this title], is hereby amended by substituting for the name "National Advisory Council on International Monetary and Financial Problems" the following: "National Advisory Council on International Monetary and Financial Policies."

SEC. 6. *Effective date.* The provisions of this order shall be effective as of January 1, 1966.

LYNDON B. JOHNSON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 282b, 283b, 283i, 284b, 286k-1, 290g-2 of this title.

§ 286b-1. Annual report to Congress of National Advisory Council on International Monetary and Financial Policies; contents

The National Advisory Council on International Monetary and Financial Policies shall include in its annual report to the Congress (1) a statement with respect to each loan approved and outstanding, made by the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank, including an evaluation of new loans made by said organization and a progress report of the project covered by each loan, and a discussion of how each loan will benefit the people of the recipient country, and (2) a statement on steps taken jointly and individually by member countries of the Inter-American Development Bank to restrain their military expenditures, and to preserve and strengthen free and democratic institutions.

(Pub. L. 91-599, ch. 3, § 31, Dec. 30, 1970, 84 Stat. 1658.)

CODIFICATION

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the "Bretton Woods Agreements Act", which comprises this subchapter.

§ 286c. Congressional authorization needed for certain actions

Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States (a) request or consent to any change in the quota of the United States under article III, section 2 of the Articles of Agreement of the Fund; (b) propose or agree to any change in the par value of the United States dollar under article IV, section 5, or article XX, section 4, of the Articles of Agreement of the Fund, or approve any general change in par values under article IV, section 7; (c) subscribe to additional shares of stock under article II, section 3, of the Articles of Agreement of the Bank; (d) accept any amendment under article XVII of the Articles of Agreement of the Fund or article VIII of the Articles of Agreement of the Bank; (e) make any loan to the Fund or the Bank. Unless Congress by law authorizes such action, no governor or alternate appointed to represent the United States shall vote for an increase of capital stock of the Bank under article II, section 2, of the Articles of Agreement of the Bank, if such increase involves an increased subscription on the part of the United States.

(July 31, 1945, ch. 339, § 5, 59 Stat. 514; Aug. 14, 1965, Pub. L. 89-126, § 1(2), 79 Stat. 519.)

AMENDMENT OF SECTION

Pub. L. 94-564, §§ 3, 9, Oct. 19, 1976, 90 Stat. 2660, 2661, provided that effective upon entry into force of the amendments to the Articles of Agreement of the International Monetary Fund approved in Resolution Numbered 31-4 of the Board of Governors of the Fund, this section will be amended to read as follows:

"Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States (a) request or consent to any change in the quota of the United States under article III, section 2(a), of the Articles of Agreement of the Fund; (b) propose a par value for the United States dollar under paragraph 2, paragraph 4, or paragraph 10 of schedule C of the Articles of Agreement of the Fund; (c) propose any change in the par value of the United States dollar under paragraph 6 of schedule C of the Articles of Agreement of the Fund, or approve any general change in par values under paragraph 11 of schedule C; (d) subscribe to additional shares of stock under article II, section 3, of the Articles of Agreement of the Bank; (e) accept any amendment under article XXVIII of the Articles of Agreement of the Fund or article VIII of the Articles of Agreement of the Bank; (f) make any loan to the Fund or the Bank; (g) approve the establishment of any additional trust fund, for the special benefit of a single member, or of a particular segment of the membership, of the Fund."

AMENDMENTS

1965—Pub. L. 89-126 inserted words "if such increase involves an increased subscription on the part of the United States".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 286b of this title.

§ 286d. Federal Reserve banks as depositories

Any Federal Reserve bank which is requested to do so by the Fund or the Bank shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(July 31, 1945, ch. 339, § 6, 59 Stat. 514.)

§ 286e. Payment of subscriptions to Fund and Bank by United States; issuance of special notes; income covered into Treasury

The Secretary of the Treasury is authorized to pay the balance of the subscription of the United States to the Fund not provided for in section 822a of title 31 and to pay the subscription of the United States to the Bank from time to time when payments are required to be made to the Bank. For the purpose of making these payments, the Secretary of the Treasury is authorized to use as a public-debt transaction $8,675,000,000 of the proceeds of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include such purpose. Payment under this paragraph of the subscription of the United States to the Fund or the Bank and repayments thereof shall be treated as public-debt transactions of the United States.

For the purpose of keeping to a minimum the cost to the United States of participation in the Fund and the Bank, the Secretary of the Treasury, after paying the subscription of the United States to the Fund, and any part of the subscription of the United States to the Bank required to be made under article II, section 7(i), of the Articles of Agreement of the Bank, is authorized and directed to issue special notes of the United States from time to time at par and to deliver such notes to the Fund and the Bank in exchange for dollars to the extent permitted by the respective Articles of Agreement. The special notes provided for in this paragraph shall be issued under the authority and subject to the provisions of the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include the purposes for which special notes are authorized and directed to be issued under this paragraph, but such notes shall bear no interest, shall be nonnegotiable, and shall be payable on demand of the Fund or the Bank, as the case may be. The face amount of special notes issued to the Fund under the authority of this paragraph and outstanding at any one time shall not exceed in the aggregate the amount of the subscription of the United States actually paid to the Fund and the dollar

equivalent of currencies and gold which the United States shall have purchased from the Fund in accordance with the Articles of Agreement, and the face amount of such notes issued to the Bank and outstanding at any one time shall not exceed in the aggregate the amount of the subscription of the United States actually paid to the Bank under article II, section 7(i) of the Articles of Agreement of the Bank.

Any payment made to the United States by the Fund or the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

(July 31, 1945, ch. 339, § 7(b)-(d), 59 Stat. 514; June 17, 1959, Pub. L. 86-48, § 2, 73 Stat. 80; June 19, 1962, Pub. L. 87-490, § 2, 76 Stat. 105.)

REFERENCES IN TEXT

The Second Liberty Bond Act, as amended, referred to in text, is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended. For classification of this act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables volume.

CODIFICATION

Section is based on subsecs. (b) to (d) of section 7 of act July 31, 1945. Subsec. (a) of section 7 was an amendment of section 822a of title 31 and as such has been incorporated in that section.

AMENDMENTS

1962—Pub. L. 87-490 included in the limitation of face amount of special notes issued to the Fund the dollar equivalent of currencies and gold which the United States shall have purchased from the Fund in accordance with the Articles of Agreement.

1959—Pub. L. 86-48 eliminated "of $950,000,000" which followed "is authorized to pay the balance", and substituted "$8,675,000,000" for "not to exceed $4,125,000,000".

§ 286e-1. Increase in quota of United States and in capital stock of Bank; subscription to additional shares

(a) The United States Governor of the Fund is authorized to request and consent to an increase of $1,375,000,000 in the quota of the United States under article III, section 2, of the articles of agreement of the Fund, as proposed in the resolution of the Board of Governors of the Fund dated February 2, 1959.

(b) The United States Governor of the Bank is authorized (1) to vote for increases in the capital stock of the Bank under article II, section 2, of the articles of agreement of the Bank, as recommended in the resolution of the Board of Governors of the Bank dated February 2, 1959, and (2) if such increases become effective, to subscribe on behalf of the United States to thirty-one thousand seven hundred and fifty additional shares of stock under article II, section 3, of the articles of agreement of the Bank.

(July 31, 1945, ch. 339, § 16, as added June 17, 1959, Pub. L. 86-48, § 1, 73 Stat. 80.)

§ 286e-1a. Increase in capital stock of Bank

The United States Governor of the Bank is authorized to vote for an increase of $1,000,000,000 in the authorized capital stock of the Bank under article II, section 2, of the articles of agreement of the Bank, as recommended in the report, dated November 6, 1962, to the Board of Governors of the Bank by the Bank's Executive Directors.

(July 31, 1945, ch. 339, § 19, as added Nov. 13, 1963, Pub. L. 88-178, 77 Stat. 334.)

§ 286e-1b. Increase in quota of United States; authorization of appropriations

(a) The United States Governor of the Fund is authorized to consent to an increase of $1,035,000,000 in the quota of the United States in the Fund.

(b) In order to pay the increase in the United States subscription to the Fund provided for in this section, there is hereby authorized to be appropriated $1,035,000,000, to remain available until expended.

(July 31, 1945, ch. 339, § 20, as added June 2, 1965, Pub. L. 89-31, 79 Stat. 119.)

§ 286e-1c. Additional increase in quota of United States

(a) The United States Governor of the Fund is authorized to consent to an increase of $1,540,000,000 in the quota of the United States in the Fund.

(b) In order to pay the increase in the United States quota in the Fund provided for in this section, there is hereby authorized to be appropriated $1,540,000,000, to remain available until expended.

(July 31, 1945, ch. 339, § 22, as added Dec. 30, 1970, Pub. L. 91-599, ch. 1, § 1, 84 Stat. 1657.)

§ 286e-1d. Increase in capital stock of Bank; subscription to additional shares; authorization of appropriations

(a) The United States Governor of the Bank is authorized (1) to vote for an increase of $3,000,000,000 in the authorized capital stock of the Bank, and (2) if such increase becomes effective, to subscribe on behalf of the United States to two thousand four hundred and sixty-one additional shares of the capital stock of the Bank.

(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated $246,100,000 to remain available until expended.

(July 31, 1945, ch. 339, § 23, as added Dec. 30, 1970, Pub. L. 91-599, ch. 1, § 1, 84 Stat. 1657.)

§ 286e-1e. Equivalent increase in quota of United States

The United States Governor of the Fund is authorized to consent to an increase in the quota of the United States in the Fund equivalent to 1,705 million Special Drawing Rights.

(July 31, 1945, ch. 339, § 25, as added Oct. 19, 1976, Pub. L. 94-564, § 1, 90 Stat. 2660.)

§ 286e-2. Loans to Fund

(a) Limitation; balance of payments and reserve position considerations

In order to carry out the purposes of the decision of January 5, 1962, of the Executive Directors of the International Monetary Fund, the Secretary of the Treasury is authorized to make loans, not to exceed $2,000,000,000 out-

standing at any one time, to the Fund under article VII, section 2(i), of the Articles of Agreement of the Fund. Any loan under the authority granted in this subsection shall be made with due regard to the present and prospective balance of payments and reserve position of the United States.

(b) Authorization of appropriations; repayments available for loans to Fund

For the purpose of making loans to the International Monetary Fund pursuant to this section, there is authorized to be appropriated $2,000,000,000, to remain available until expended to meet calls by the International Monetary Fund. Any payments made to the United States by the International Monetary Fund as a repayment on account of the principal of a loan made under this section shall continue to be available for loans to the International Monetary Fund.

(c) Interest and charges covered into Treasury; additional authorization of appropriations for payment of charges for purchase of currencies or gold from Fund

Payments of interest and charges to the United States on account of any loan to the International Monetary Fund shall be covered into the Treasury as miscellaneous receipts. In addition to the amount authorized in subsection (b) of this section, there is authorized to be appropriated such amounts as may be necessary for the payment of charges in connection with any purchases of currencies or gold by the United States from the International Monetary Fund.

(July 31, 1945, ch. 339, § 17, as added June 19, 1962, Pub. L. 87–490, § 1, 76 Stat. 105.)

AMENDMENT OF SUBSEC. (a)

Pub. L. 94–564, §§ 4, 9, Oct. 19, 1976, 90 Stat. 2661, provided that effective upon entry into force of the amendments to the Articles of Agreement of the International Monetary Fund approved in Resolution Numbered 31–4 of the Board of Governors of the Fund, the first sentence of subsec. (a) will read as follows:

"In order to carry out the purposes of the decision of January 5, 1962, of the Executive Directors of the International Monetary Fund, the Secretary of the Treasury is authorized to make loans, not to exceed $2,000,000,000 outstanding at any one time, to the Fund under article VII, section 1(i), of the Articles of Agreement of the Fund."

§ 286e–3. Transfers to stabilization fund of purchase of currencies or gold from International Monetary Fund; administration; utilization of fund resources for repayments

Any purchases of currencies or gold by the United States from the International Monetary Fund may be transferred to and administered by the fund established by section 822a of title 31, for use in accordance with the provisions of that section. The Secretary of the Treasury is authorized to utilize the resources of that fund for the purpose of any repayments in connection with such transactions.

(July 31, 1945, ch. 339, § 18, as added June 19, 1962, Pub. L. 87–490, § 1, 76 Stat. 105.)

§ 286e–4. Loans to International Finance Corporation; amendment to Articles of Agreement

The United States Governor of the Bank is authorized to agree to an amendment to the articles of agreement of the Bank to permit the Bank to make, participate in, or guarantee loans to the International Finance Corporation for use in the lending operations of the latter.

(July 31, 1945, ch. 339, § 21, as added Aug. 14, 1965, Pub. L. 89–126, § 1(3), 79 Stat. 519.)

§ 286e–5. Amendments to Articles of Agreement

The United States Governor of the Fund is authorized to accept the amendments to the Articles of Agreement of the Fund approved in resolution numbered 31–4 of the Board of Governors of the Fund.

(July 31, 1945, ch. 339, § 24, as added Oct. 19, 1976, Pub. L. 94–564, § 1, 90 Stat. 2660.)

§ 286e–6. Vote against establishment of Council

The United States Governor of the Fund is directed to vote against the establishment of a Council authorized under Article XII, Section 1 of the Fund Articles of Agreement as amended, if under any circumstances the United States' vote in the Council would be less than its weighted vote in the Fund.

(July 31, 1945, ch. 339, § 26, as added Oct. 19, 1976, Pub. L. 94–564, § 1, 90 Stat. 2660.)

§ 286f. Obtaining and furnishing information to the Fund

(a) Required disclosure

Whenever a request is made by the Fund to the United States as a member to furnish data under article VIII, section 5, of the Articles of Agreement of the Fund, the President may, through any agency he may designate, require any person to furnish such information as the President may determine to be essential to comply with such request. In making such determination the President shall seek to collect the information only in such detail as is necessary to comply with the request of the Fund. No information so acquired shall be furnished to the Fund in such detail that the affairs of any person are disclosed.

(b) Penalty for refusal

In the event any person refuses to furnish such information when requested to do so, the President, through any designated governmental agency, may by subpoena require such person to appear and testify or to appear and produce records and other documents, or both. In case of contumacy by, or refusal to obey a subpoena served upon any such person, the district court for any district in which such person is found or resides or transacts business, upon application by the President or any governmental agency designated by him, shall have jurisdiction to issue an order requiring such person to appear and give testimony or appear and produce records and documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(c) Penalty for unlawful disclosures

It shall be unlawful for any officer or employee of the Government, or for any advisor or consultant to the Government, to disclose, otherwise than in the course of official duty, any information obtained under this section, or to use any such information for his personal benefit. Whoever violates any of the provisions of this subsection shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than five years, or both.

(d) Definition of person

The term "person" as used in this section means an individual, partnership, corporation or association.

(July 31, 1945, ch. 339, § 8, 59 Stat. 515.)

EX. ORD. NO. 10033. REGULATIONS GOVERNING THE PROVIDING OF STATISTICAL INFORMATION TO INTERGOVERNMENTAL ORGANIZATIONS

Ex. Ord. No. 10033, Feb. 8, 1949, 14 F.R. 561, as amended by Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, provided:

SECTION 1. Except as provided in section 2 hereof, the Director of the Bureau of the Budget [now the Director of the Office of Management and Budget], hereinafter referred to as the Director, (a) shall determine, with the concurrence of the Secretary of State, what statistical information shall be provided in response to official requests received by the United States Government from any intergovernmental organization of which this country is a member, and (b) shall determine which Federal executive agency or agencies shall prepare the statistical information thus to be provided. The statistical information so prepared shall be transmitted to the requesting intergovernmental organization through established channels by the Secretary of State or by any Federal executive agency now or hereafter authorized by the Secretary of State to transmit such information.

SECTION 2. (a) The National Advisory Council on International Monetary and Financial Policies, hereinafter referred to as the National Advisory Council, shall determine, after consultation with the Director, what information is essential in order that the United States Government may comply with official requests for information received from the International Monetary Fund or the International Bank for Reconstruction and Development.

(b) The Director shall determine which Federal executive agency or agencies shall collect or make available information found essential under section 2(a) hereof.

(c) In the collection of information pursuant to a determination made by the Director under section 2(b) hereof in response to a request under article VIII, section 5, of the Articles of Agreement of the International Monetary Fund, the authority conferred on the President by section 8 of the Bretton Woods Agreements Act [this section] to require any person to furnish such information, by subpoena or otherwise, may be exercised by each of the following-named agencies:

Department of Agriculture.
Department of Commerce.
Department of the Interior.
Department of Labor.
Department of the Treasury.
Board of Governors of the Federal Reserve System.
Federal Communications Commission.
Federal Deposit Insurance Corporation.
Federal Power Commission.
Federal Trade Commission.
Interstate Commerce Commission.
Securities and Exchange Commission.
United States Maritime Commission.
United States Tariff Commission [now the United States International Trade Commission].

(d) The information collected or made available under section 2 of this order shall be submitted to the National Advisory Council for review and for presentation to the said Fund or Bank.

(e) As used in this order, the word "person" means an individual, partnership, corporation, or association.

SECTION 3. The Director's determination of any matter under section 1 or section 2(b) of this order shall be made after consulting appropriate Federal executive agencies and giving due consideration to any responsibility now exercised by any of them in relation to an intergovernmental organization.

SECTION 4. This order shall not be construed to authorize the Director or the National Advisory Council to provide, or to require any Federal executive agency to provide, to an intergovernmental organization (a) information during any period of time when the agency having primary responsibility for security of the specified information declares that it must be withheld from the intergovernmental organization in the interest of military security, or (b) information which any Federal executive agency is required by law to maintain on a confidential basis.

SECTION 5. The Director and the National Advisory Council are authorized to prescribe such regulations as may be necessary to carry out their respective responsibilities under this order.

SECTION 6. To the extent that this order conflicts with any previous Executive order, the provisions of this order shall control.

CROSS REFERENCES

Felony as offense punishable by imprisonment for term exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

Punishment for contempt, see section 402 of Title 18.

FEDERAL RULES OF CIVIL PROCEDURE

Subpoena, see rule 45, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 1141.

§ 286g. Jurisdiction and venue of actions

For the purpose of any action which may be brought within the United States or its Territories or possessions by or against the Fund or the Bank in accordance with the Articles of Agreement of the Fund or the Articles of Agreement of the Bank, the Fund or the Bank, as the case may be, shall be deemed to be an inhabitant of the Federal judicial district in which its principal office in the United States is located, and any such action at law or in equity to which either the Fund or the Bank shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of any such action. When either the Fund or the Bank is a defendant in any such action, it may, at any time before the trial thereof, remove such action from a State court into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

(July 31, 1945, ch. 339, § 10, 59 Stat. 516.)

CROSS REFERENCES

Removal of cases from state to district courts, see section 1441 et seq. of Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

One form of action, see rule 2, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 286h. Status, privileges, and immunities of the United States

The provisions of article IX, sections 2 to 9, both inclusive, and the first sentence of article VIII, section 2(b), of the Articles of Agreement of the Fund, and the provisions of article VI, section 5(i), and article VII, sections 2 to 9, both inclusive, of the Articles of Agreement of the Bank, shall have full force and effect in the United States and its Territories and possessions upon acceptance of membership by the United States in, and the establishment of, the Fund and the Bank, respectively.

(July 31, 1945, ch. 339, § 11, 59 Stat. 516.)

§ 286i. Stabilization loans by Bank; amendment to Articles of Agreement

The governor and executive director of the Bank appointed by the United States are directed to obtain promptly an official interpretation by the Bank as to its authority to make or guarantee loans for programs of economic reconstruction and the reconstruction of monetary systems, including long-term stabilization loans. If the Bank does not interpret its powers to include the making or guaranteeing of such loans, the governor of the Bank representing the United States is directed to propose promptly and support an amendment to the Articles of Agreement for the purpose of explicitly authorizing the Bank, after consultation with the Fund, to make or guarantee such loans. The President is authorized and directed to accept an amendment to that effect on behalf of the United States.

(July 31, 1945, ch. 339, § 12, 59 Stat. 516.)

§ 286j. Stabilization operations by the Fund; amendment to Articles of Agreement

(a) The governor and executive director of the Fund appointed by the United States are directed to obtain promptly an official interpretation by the Fund as to whether its authority to use its resources extends beyond current monetary stabilization operations to afford temporary assistance to members in connection with seasonal, cyclical, and emergency fluctuations in the balance of payment of any member for current transactions, and whether it has authority to use its resources to provide facilities for relief, reconstruction, or armaments, or to meet a large or sustained outflow of capital on the part of any member.

(b) If the interpretation by the Fund answers in the affirmative any of the questions stated in subsection (a) of this section, the governor of the Fund representing the United States is directed to propose promptly and support an amendment to the Articles of Agreement for the purpose of expressly negativing such interpretation. The President is authorized and directed to accept an amendment to that effect on behalf of the United States.

(July 31, 1945, ch. 339, § 13, 59 Stat. 517.)

§ 286k. Further promotion of international economic relations

In the realization that additional measures of international economic cooperation are necessary to facilitate the expansion and balanced growth of international trade and render most effective the operations of the Fund and the Bank, it is declared to be the policy of the United States to seek to bring about further agreement and cooperation among nations and international bodies, as soon as possible, on ways and means which will best reduce obstacles to and restrictions upon international trade, eliminate unfair trade practices, promote mutually advantageous commercial relations, and otherwise facilitate the expansion and balanced growth of international trade and promote the stability of international economic relations. In considering the policies of the United States in foreign lending and the policies of the Fund and the Bank, particularly in conducting exchange transactions, the Council and the United States representatives on the Fund and the Bank shall give careful consideration to the progress which has been made in achieving such agreement and cooperation.

(July 31, 1945, ch. 339, § 14, 59 Stat. 517.)

§ 286k–1. Securities issued by Bank as exempt securities; reports filed with Security and Exchange Commission; additional data for report of National Advisory Council

(a) Any securities issued by International Bank for Reconstruction and Development (including any guaranty by the bank, whether or not limited in scope), and any securities guaranteed by the bank as to both principal and interest, shall be deemed to be exempted securities within the meaning of subsection (a)(2) of section 77c of title 15, and subsection (a)(12) of section 78c of title 15. The bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the bank and its operations and necessary in the public interest or for the protection of investors.

(b) The reports of the National Advisory Council provided for in section 286b(a)(6)[1] of this title shall also cover and include the effectiveness of the provisions of subsection (a) of this section and the exemption for securities issued by the bank provided by section 24 of title 12 in facilitating the operations of the bank and the extent to which the operations of the bank may assist in financing European recovery and the reconstruction and development of the economic resources of member countries of the bank and the recommendations of the Council as to any modifications it may deem desirable in the provisions of this subchapter.

(July 31, 1945, ch. 339, § 15, as added June 29, 1949, ch. 276, § 2, 63 Stat. 298.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 286k–2 of this title.

[1] So in original. Probably should read "286b(b)(6)".

§ 286k–2. Suspension of right of International Bank to issue securities under section 286k–1; report of Securities and Exchange Commission

The Securities and Exchange Commission acting in consultation with the National Advisory Council on International Monetary and Financial Problems is authorized to suspend the provisions of section 286k–1 (a) of this title at any time as to any or all securities issued or guaranteed by the bank during the period of such suspension. The Commission shall include in its annual reports to Congress such information as it shall deem advisable with regard to the operations and effect of this section, and section 286k–1 of this title and section 24 of title 12 and in connection therewith shall include any views submitted for such purpose by any association of dealers registered with the Commission.

(June 29, 1949, ch. 276, § 3, 63 Stat. 299.)

CODIFICATION

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the "Bretton Woods Agreements Act", which comprises this subchapter.

DELEGATION OF FUNCTIONS

Functions of the National Advisory Council on International Monetary and Financial Problems were delegated to the National Advisory Council on International Monetary and Financial Policies, see section 2(a) of Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, set out as a note under section 286b of this title.

§ 286*l*. British loan; authorization to Secretary of Treasury to carry out agreement

The Secretary of the Treasury, in consultation with the National Advisory Council on International Monetary and Financial Problems, is authorized to carry out the agreement dated December 6, 1945, between the United States and the United Kingdom which was transmitted by the President to the Congress on January 30, 1946, and the action of the Secretary of the Treasury in signing the agreement dated March 6, 1957, amending said agreement is approved.

(July 15, 1946, ch. 577, § 1, 60 Stat. 535; Apr. 20, 1957, Pub. L. 85–21, 71 Stat. 17.)

REFERENCES IN TEXT

Agreement dated December 6, 1945, between the United States and the United Kingdom, referred to in text, is set out as a note below.

CODIFICATION

Section was not enacted as a part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the "Bretton Woods Agreements Act" which comprises this subchapter.

AMENDMENTS

1957—Pub. L. 85–21 added ", and the action of the Secretary of the Treasury in signing the agreement dated March 6, 1957, amending said agreement is approved".

DELEGATION OF FUNCTIONS

Functions of the National Advisory Council on International Monetary and Financial Problems were delegated to the National Advisory Council on International Monetary and Financial Policies, see section 2(a) of Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, set out as a note under section 286b of this title.

PURPOSES

In defining the purposes of act July 15, 1946, sections 286*l* and 286m of this title, Congress states that:

"Whereas in the Bretton Woods Agreements Act [this subchapter] the Congress has declared it to be the policy of the United States 'to seek to bring about further agreement and cooperation among nations and international bodies, as soon as possible, on ways and means which will best reduce obstacles to and restrictions upon international trade, eliminate unfair trade practices, promote mutually advantageous commercial relations, and otherwise facilitate the expansion and balanced growth of international trade and promote the stability of international economic relations'; and

"Whereas in further implementation of the purposes of the Bretton Woods Agreements, the Governments of the United States and the United Kingdom have negotiated an agreement dated December 6, 1945, designed to expedite the achievement of stable and orderly exchange arrangements, the prompt elimination of exchange restrictions and discriminations, and other objectives of the above-mentioned policy declared by the Congress."

FINANCIAL AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND THE UNITED KINGDOM

It is hereby agreed between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland as follows:

1. Effective date of the agreement: The effective date of this Agreement shall be the date on which the Government of the United States notifies the Government of the United Kingdom that the Congress of the United States has made available the funds necessary to extend to the Government of the United Kingdom the line of credit in accordance with the provisions of this Agreement.

2. Line of credit: The Government of the United States will extend to the Government of the United Kingdom a line of credit of $3,750,000,000 which may be drawn upon at any time between the effective date of this Agreement and December 31, 1951, inclusive.

3. Purpose of the line of credit: The purpose of the line of credit is to facilitate purchases by the United Kingdom of goods and services in the United States, to assist the United Kingdom to meet transitional postwar deficits in its current balance of payments, to help the United Kingdom to maintain adequate reserves of gold and dollars, and to assist the Government of the United Kingdom to assume the obligations of multilateral trade, as defined in this and other agreements.

4. Amortization and interest:

(i) The amount of the line of credit drawn by December 31, 1951, shall be repaid in 50 annual installments beginning on December 31, 1951, with interest at the rate of 2 percent per annum. Interest for the year 1951 shall be computed on the amount outstanding on December 31, 1951, and for each year thereafter, interest shall be computed on the amount outstanding on January 1 of each such year.

Forty-nine annual installments of principal repayments and interest shall be equal, calculated at the rate of $31,823,000 for each $1,000,000,000 of the line of credit drawn by December 31, 1951, and the fiftieth installment shall be at the rate of $31,840,736.65 for each such $1,000,000,000. Each installment shall consist of the full amount of the interest due and the remainder of the installment shall be the principal to be repaid in that year. Payments required by this section are subject to the provisions of section 5.

(ii) The Government of the United Kingdom may accelerate repayment of the amount drawn under this line of credit.

5. Deferment of annual installments.

(i) In any calendar year after December 31, 1956, in which the Government of the United Kingdom advises the Government of the United States that it finds that a deferment is necessary in view of the present and prospective conditions of international exchange

and the level of its gold and foreign exchange reserves, the Government of the United Kingdom may defer the payment of the annual installment for that year of principal repayment and interest specified under Section 4. Not more than seven (7) annual installments may be so deferred. The first of any such deferred installments shall be paid on December 31, 2001, and the others shall be paid annually thereafter, in order.

(ii) In addition, the installment of interest in respect of the year 1956 is hereby deferred, in lieu of any right of waiver hitherto existing. This installment shall be paid on December 31 of the year following that in which the last of all other installments, including installments deferred under the preceding paragraph, is due.

(iii) Deferred installments shall bear interest at the rate of 2 percent per annum, payable annually on December 31 of each year following that in which deferment occurs.

(iv) Payment of deferred installments may be accelerated, in whole or in part, at the option of the Government of the United Kingdom. [Amended Mar. 6, 1957, eff. Apr. 25, 1957.]

6. Relation of this line of credit to other obligations. The Government of the United Kingdom undertakes not to defer an installment under Section 5 of this Agreement in any year, unless it also defers the installment due in that year under the Financial Agreement between the Government of Canada and the Government of the United Kingdom, dated March 6, 1946. [Amended Mar. 6, 1957, eff. Apr. 25, 1957.]

7. Sterling area exchange arrangements: The Government of the United Kingdom will complete arrangements as early as practicable and in any case not later than one year after the effective date of this Agreement, unless in exceptional cases a later date is agreed upon after consultation, under which immediately after the completion of such arrangements the sterling receipts from current transactions of all sterling area countries (apart from any receipts arising out of military expenditure by the Government of the United Kingdom prior to December 31, 1948, to the extent to which they are treated by agreement with the countries concerned on the same basis as the balances accumulated during the war) will be freely available for current transactions in any currency area without discrimination; with the result that any discrimination arising from the so-called sterling area dollar pool will be entirely removed and that each member of the sterling area will have its current sterling and dollar receipts at its free disposition for current transactions anywhere.

8. Other exchange arrangements:

(i) Government of the United Kingdom agrees that after the effective date of this Agreement it will not apply exchange controls in such a manner as to restrict (a) payments or transfers in respect of products of the United States permitted to be imported into the United Kingdom or other current transactions between the two countries or (b) the use of sterling balances to the credit of residents of the United States arising out of current transactions. Nothing in this paragraph (i) shall affect the provisions of Article VII of the Articles of Agreement of the International Monetary Fund when those Articles have come into force.

(ii) The Governments of the United States and the United Kingdom agree that not later than one year after the effective date of this Agreement, unless in exceptional cases a later date is agreed upon after consultation, they will impose no restrictions on payments and transfers for current transactions. The obligations of this paragraph (ii) shall not apply:

(a) to balances of third countries and their nationals accumulated before this paragraph (ii) becomes effective; or

(b) to restrictions imposed in conformity with the Aritcles of Agreement of the International Monetary Fund, provided that the Governments of the United Kingdom and the United States will not continue to invoke the provisions of Article XIV, Section 2 of those Articles after this paragraph (ii) becomes effective, unless in exceptional cases after consultation they agree otherwise; or

(c) to restrictions imposed in connection with measures designed to uncover and dispose of assets of Germany and Japan.

(iii) This section and section 9, which are in anticipation of more comprehensive arrangements by multilateral agreement, shall operate until December 31, 1951.

9. Import arrangements: If either the Government of the United States or the Government of the United Kingdom imposes or maintains quantitative import restrictions, such restrictions shall be administered on a basis which does not discriminate against imports from the other country in respect of any product; provided that this undertaking shall not apply in cases in which (a) its application would have the effect of preventing the country imposing such restrictions from utilizing, for the purchase of needed imports, inconvertible currencies accumulated up to December 31, 1946, or (b) there may be special necessity for the country imposing such restrictions to assist, by measures not involving a substantial departure from the general rule of non-discrimination, a country whose economy has been disrupted by war, or (c) either government imposes quantitative restrictions having equivalent effect to any exchange restrictions which that government is authorized to impose in conformity with Article VII of the Articles of Agreement of the International Monetary Fund. The provisions of this section shall become effective as soon as practicable but not later than December 31, 1946.

10. Accumulated sterling balances:

(i) The Government of the United Kingdom intends to make agreements with the countries concerned, varying according to the circumstances of each case, for an early settlement covering the sterling balances accumulated by sterling area and other countries prior to such settlement (together with any future receipts arising out of military expenditure by the Government of the United Kingdom to the extent to which they are treated on the same basis by agreement with the countries concerned). The settlements with the sterling area countries will be on the basis of dividing these accumulated balances into three categories (a) balances to be released at once and convertible into any currency for current transactions, (b) balances to be similarly released by installments over a period of years beginning in 1951, and (c) balances to be adjusted as a contribution to the settlement of war and postwar indebtedness and in recognition of the benefits which the countries concerned might be expected to gain from such a settlement. The Government of the United Kingdom will make every endeavor to secure the early completion of these arrangements.

(ii) In consideration of the fact that an important purpose of the present line of credit is to promote the development of multilateral trade and facilitate its early resumption on a non-discriminatory basis, the Government of the United Kingdom agrees that any sterling balances released or otherwise available for current payments will, not later than one year after the effective date of this Agreement unless in special cases a later date is agreed upon after consultation, be freely available for current transactions in any currency area without discrimination.

11. Definitions:

For the purposes of this Agreement:

(i) The term "current transactions" shall have the meaning prescribed in Article XIX (i) of the Articles of Agreement of the International Monetary Fund.

(ii) The term "sterling area" means the United Kingdom and the other territories declared by the Defence (Finance) Definition of the Sterling Area) (No. 2) Order, 1944, to be included in the sterling area, namely "the following territories excluding Canada and Newfoundland, that is to say—

(a) any Dominion,

(b) any other part of His Majesty's dominions,

(c) any territory in respect of which a mandate on behalf of the League of Nations has been accepted by

His Majesty and is being exercised by His Majesty's Government in the United Kingdom or in any Dominion,

(d) any British protectorate or protected State,

(e) Egypt, the Anglo-Egyptian Sudan and Iraq.

(f) Iceland and the Faroe Islands."

12. Consultation on Agreement: Either government shall be entitled to approach the other for a reconsideration of any of the provisions of this Agreement, if in its opinion the prevailing conditions of international exchange justify such reconsideration, with a view to agreeing upon modifications for presentation to their respective legislatures.

Signed in duplicate at Washington, District of Columbia this 6th day of December, 1945.

For the Government of the United States of America:

FRED M. VINSON,
Secretary of the Treasury
of the United States of America.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

HALIFAX.

§ 286m. Amount of loan; public-debt transaction; disposition of interest payments

For the purpose of carrying out the agreement dated December 6, 1945, between the United States and the United Kingdom, the Secretary of the Treasury is authorized to use as a public-debt transaction not to exceed $3,750,000,000 of the proceeds of any securities issued after July 15, 1946, under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include such purpose. Payments to the United Kingdom under this section and section 286*l* of this title and pursuant to the agreement and repayments thereof shall be treated as public-debt transactions of the United States. Payments of interest to the United States under the agreement shall be covered into the Treasury as miscellaneous receipts.

(July 15, 1946, ch. 577, § 2, 60 Stat. 535.)

REFERENCES IN TEXT

Agreement dated December 6, 1945, between the United States and the United Kingdom, referred to in text, is set out as a note under section 286*l* of this title.

The Second Liberty Bond Act, as amended, referred to in text, is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended. For classification of this Act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables volume.

CODIFICATION

Section was not enacted as a part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the "Bretton Woods Agreements Act" which comprises this subchapter.

§ 286n. Special Drawing Rights

The President is hereby authorized (a) to accept the amendment to the articles of agreement of the International Monetary Fund (hereinafter referred to as the "Fund"), attached to the April 1968 report by the Executive Directors to the Board of Governors of the Fund, for the purpose of (i) establishing a facility based on Special Drawing Rights in the Fund and (ii) giving effect to certain modifications in the present rules and practices of the Fund, and (b) to participate in the special drawing account established by the amendment.

(Pub. L. 90-349, § 2, June 19, 1968, 82 Stat. 188.)

CODIFICATION

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the "Bretton Woods Agreements Act", which comprises this subchapter.

SHORT TITLE

Section 1 of Pub. L. 90-349 provided: "That this Act [enacting sections 286n to 286r of this title and amending sections 412, 415, 417, and 467 of Title 12, Banks and Banking] may be cited as the 'Special Drawing Rights Act'."

§ 286o. Administration as part of the Exchange Stabilization Fund

(a) Special Drawing Rights allocated to the United States pursuant to article XXIV of the Articles of Agreement of the Fund, and Special Drawing Rights otherwise acquired by the United States, shall be credited to the account of, and administered as part of, the Exchange Stabilization Fund established by section 822a of title 31.

(b) The proceeds resulting from the use of Special Drawing Rights by the United States, and payments of interest to the United States pursuant to article XXVI, article XXX, and article XXXI of the Articles of Agreement of the Fund, shall be deposited in the Exchange Stabilization Fund. Currency payments by the United States in return for Special Drawing Rights, and payments of charges or assessments pursuant to article XXVI, article XXX, and article XXXI of the Articles of Agreement of the Fund, shall be made from the resources of the Exchange Stabilization Fund.

(Pub. L. 90-349, § 3, June 19, 1968, 82 Stat. 188.)

AMENDMENT OF SECTION

Pub. L. 94-564, §§ 5(1), (2), 9, Oct. 19, 1976, 90 Stat. 2660, 2661, provided that effective upon entry into force of the amendments to the Articles of Agreement of the International Monetary Fund approved in Resolution Numbered 31-4 of the Board of Governors of the Fund, this section will be amended to read as follows:

"(a) Special Drawing Rights allocated to the United States pursuant to article XVIII of the Articles of Agreement of the Fund, and Special Drawing Rights otherwise acquired by the United States, shall be credited to the account of, and administered as part of, the Exchange Stabilization Fund established by section 822a of title 31.

"(b) The proceeds resulting from the use of Special Drawing Rights by the United States, and payments of interest to the United States pursuant to article XX, article XXIV, and article XXV of the Articles of Agreement of the Fund, shall be deposited in the Exchange Stabilization Fund. Currency payments by the United States in return for Special Drawing Rights, and payments of charges or assessments pursuant to article XX, article XXIV, and article XXV of the Articles of Agreement of the Fund, shall be made from the resources of the Exchange Stabilization Fund."

CODIFICATION

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the "Bretton Woods Agreements Act", which comprises this subchapter.

§ 286p. Certificates; issuance; purpose

(a) The Secretary of the Treasury is authorized to issue to the Federal Reserve banks, and such banks shall purchase, Special Drawing Right certificates in such form and in such denominations as he may determine, against any Special Drawing Rights held to the credit of the Exchange Stabilization Fund. Such certificates shall be issued and remain outstanding only for the purpose of financing the acquisition of Special Drawing Rights or for financing exchange stabilization operations. The amount of Special Drawing Right certificates issued and outstanding shall at no time exceed the value of the Special Drawing Rights held against the Special Drawing Right certificates. The proceeds resulting from the issuance of Special Drawing Right certificates shall be covered into the Exchange Stabilization Fund.

(b) Special Drawing Right certificates owned by the Federal Reserve banks shall be redeemed from the resources of the Exchange Stabilization Fund at such times and in such amounts as the Secretary of the Treasury may determine.

(Pub. L. 90-349, § 4, June 19, 1968, 82 Stat. 188.)

CODIFICATION

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the "Bretton Woods Agreements Act", which comprises this subchapter.

§ 286q. Limitation on allocations to the United States

Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate in each basic period Special Drawing Rights under article XXIV, sections 2 and 3, of the Articles of Agreement of the Fund so that allocations to the United States in that period exceed an amount equal to the United States quota in the Fund as authorized under the Bretton Woods Agreements Act [22 U.S.C. 286 et seq.].

(Pub. L. 90-349, § 6, June 19, 1968, 82 Stat. 189; Pub. L. 91-599, ch. 1, § 2, Dec. 30, 1970, 84 Stat. 1657.)

AMENDMENT OF SECTION

Pub. L. 94-564, §§ 5(3), 9, Oct. 19, 1976, 90 Stat. 2661, provided that effective upon entry into force of the amendments to the Articles of Agreement of the International Monetary Fund approved in Resolution Numbered 31-4 of the Board of Governors of the Fund, this section will be amended to read as follows:

"Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate in each basic period Special Drawing Rights under article XVIII, sections 2 and 3, of the Articles of Agreement of the Fund so that allocations to the United States in that period exceed an amount equal to the United States quota in the Fund as authorized under the Bretton Woods Agreements Act [22 U.S.C. 286 et seq.]."

REFERENCES IN TEXT

The Bretton Woods Agreements Act, referred to in text, is act July 31, 1945, ch. 339, 59 Stat. 512, which is classified principally to this subchapter (§ 286 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 286 of this title and Tables volume.

CODIFICATION

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the "Bretton Woods Agreements Act", which comprises this subchapter.

AMENDMENTS

1970—Pub. L. 91-599 added "in each basic period" following "vote to allocate" and substituted "allocations to the United States in that period exceed an amount equal to the United States quota in the Fund as authorized under the Bretton Woods Agreements Act" for "net cumulative allocations to the United States exceed an amount equal to the United States quota in the Fund as heretofore authorized under the Bretton Woods Agreements Act of 1945, as amended".

§ 286r. United States participation in special drawing account

The provisions of article XXVII(b) of the Articles of Agreement of the Fund shall have full force and effect in the United States and its territories and possessions when the United States becomes a participant in the special drawing account.

(Pub. L. 90-349, § 7, June 19, 1968, 82 Stat. 189.)

AMENDMENT OF SECTION

Pub. L. 94-564, §§ 5(4), 9, Oct. 19, 1976, 90 Stat. 2661, provided that effective upon entry into force of the amendments to the Articles of Agreement of the International Monetary Fund approved in Resolution Numbered 31-4 of the Board of Governors of the Fund, this section will be amended to read as follows:

"The provisions of article XXI(b) of the Articles of Agreement of the Fund shall have full force and effect in the United States and its territories and possessions when the United States becomes a participant in the special drawing account."

CODIFICATION

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the "Bretton Woods Agreements Act", which comprises this subchapter.

SUBCHAPTER XVI—UNITED NATIONS ORGANIZATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 289b of this title.

§ 287. Representation in Organization

(a) Appointment of representative; rank, status and tenure; duties

The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the United Nations who shall have the rank and status of Ambassador Extraordinary and Plenipotentiary

and shall hold office at the pleasure of the President. Such representative shall represent the United States in the Security Council of the United Nations and may serve ex officio as representative of the United States in any organ, commission, or other body of the United Nations other than specialized agencies of the United Nations, and shall perform such other functions in connection with the participation of the United States in the United Nations as the President may, from time to time, direct.

(b) Appointment of additional representatives; rank, status and tenure; duties; reappointment unnecessary

The President, by and with the advice and consent of the Senate, shall appoint additional persons with appropriate titles, rank, and status to represent the United States in the principal organs of the United Nations and in such organs, commissions, or other bodies as may be created by the United Nations with respect to nuclear energy or disarmament (control and limitation of armament). Such persons shall serve at the pleasure of the President and subject to the direction of the Representative of the United States to the United Nations. They shall, at the direction of the Representative of the United States to the United Nations, represent the United States in any organ, commission, or other body of the United Nations, including the Security Council, the Economic and Social Council, and the Trusteeship Council, and perform such other functions as the Representative of the United States is authorized to perform in connection with the participation of the United States in the United Nations. Any Deputy Representative or any other officer holding office at the time the provisions of this Act, as amended, become effective shall not be required to be reappointed by reason of the enactment of this Act, as amended.

(c) Appointment of special and alternate representatives; number; senior representative; duties

The President, by and with the advice and consent of the Senate, shall designate from time to time to attend a specified session or specified sessions of the General Assembly of the United Nations not to exceed five representatives of the United States and such number of alternates as he may determine consistent with the rules of procedure of the General Assembly. One of the representatives shall be designated as the senior representative.

(d) Additional appointees; conditions governing certain appointments; designation of certain State Department officers to sit on Security Council

The President may also appoint from time to time such other persons as he may deem necessary to represent the United States in organs and agencies of the United Nations. The President may, without the advice and consent of the Senate, designate any officer of the United States to act without additional compensation as the representative of the United States in either the Economic and Social Council or the Trusteeship Council (1) at any specified session thereof where the position is vacant or in the absence or disability of the regular representative or (2) in connection with a specified subject matter at any specified session of either such Council in lieu of the regular representative. The President may designate any officer of the Department of State, whose appointment is subject to confirmation by the Senate, to act, without additional compensation, for temporary periods as the representative of the United States in the Security Council of the United Nations in the absence or disability of the representatives provided for under subsections (a) and (b) of this section or in lieu of such representatives in connection with a specified subject matter.

(e) Appointment of representative to European office of United Nations; rank, status and tenure; duties

The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the European office of the United Nations, with appropriate rank and status who shall serve at the pleasure of the President and subject to the direction of the Secretary of State. Such person shall, at the direction of the Secretary of State, represent the United States at the European office of the United Nations, and perform such other functions there in connection with the participation of the United States in international organizations as the Secretary of State may, from time to time, direct.

(f) Representation by President or Secretary of State

Nothing contained in this section shall preclude the President or the Secretary of State, at the direction of the President, from representing the United States at any meeting or session of any organ or agency of the United Nations.

(g) Compensation

All persons appointed in pursuance of authority contained in this section shall receive compensation at rates determined by the President upon the basis of duties to be performed but not in excess of rates authorized by sections 866 and 867 of this title for chiefs of mission and Foreign Service officers occupying positions of equivalent importance, except that no member of the Senate or House of Representatives or officer of the United States who is designated under subsections (c) and (d) of this section as a representative of the United States or as an alternate to attend any specified session or specified sessions of the General Assembly shall be entitled to receive such compensation.

(Dec. 20, 1945, ch. 583, § 2, 59 Stat. 619; Oct. 10, 1949, ch. 660, §§ 1, 2, 63 Stat. 734; Sept. 28, 1965, Pub. L. 89-206, §§ 1, 2, 79 Stat. 841, 842.)

REFERENCES IN TEXT

This Act, as amended, referred to in subsec. (b) is Pub. L. 89-206, Sept. 28, 1965, 79 Stat. 841, which amended this section. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1965—Subsec. (a). Pub. L. 89-206, § 1(a), deleted the provisions which related to the appointment, rank and status, tenure and duties of a deputy representative of the United States to the United Nations.

Subsec. (b). Pub. L. 89-206, § 1(a), substituted provisions that the President, by and with the advice and consent of the Senate, shall appoint additional persons with appropriate titles, rank, and status to represent the United States in the principal organs of the United Nations and in such organs, commissions, or other bodies as may be created by the United Nations

with respect to nuclear energy or disarmament, that they shall serve at the pleasure of the President and subject to the direction of the Representative of the United States to the United Nations, that they shall, at the direction of the Representative of the United States to the United Nations, represent the United States in any organ, commission, or other body of the United Nations, including the Security Council, the Economic and Social Council, and the Trusteeship Council, and perform such other functions as the Representative of the United States is authorized to perform in connection with the participation of the United States in the United Nations, and that any Deputy Representative or any other officer holding office at the time the provisions of this Act, as amended, become effective shall not be required to be reappointed by reason of the enactment of this Act, as amended, for provisions which authorized the President, by and with the advice and consent of the Senate, to appoint an additional deputy representative of the United States to the Security Council who shall hold office at the pleasure of the President, and which required the deputy representative to represent the United States in the Security Council of the United Nations in the event of the absence or disability of both the representative and the deputy representative of the United States to the United Nations.

Subsec. (d). Pub. L. 89-206, § 1(b), eliminated provisions which required the representative of the United States in the Economic and Social Council and in the Trusteeship Council of the United Nations to be appointed only by and with the advice and consent of the Senate and which required the advice and consent of the Senate for the appointment by the President of the representative of the United States in any commission that may be formed by the United Nations with respect to atomic energy or in any other commission of the United Nations to which the United States is entitled to appoint a representative.

Subsec. (e). Pub. L. 89-206, § 2, added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 89-206, § 2, redesignated former subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 89-206, § 2, redesignated former subsec. (f) as (g).

1949—Subsec. (a). Act Oct. 10, 1949, § 1, created the new post of deputy representative, and allowed the principal and deputy representatives to serve ex officio on any organ, commission, or body, other than specialized agencies, of the United Nations.

Subsec. (b). Act Oct. 10, 1949, § 1, amended subsection generally, to provide for the appointment of an additional deputy representative.

Subsec. (c). Act Oct. 10, 1949, § 1, amended subsection generally, to provide for the appointment of special and alternate representatives.

Subsec. (d). Act Oct. 10, 1949, § 1, allowed the designation by the President of any State Department officer, whose appointment is subject to confirmation by the Senate, to sit on the Security Council in certain instances.

Subsec. (f). Act. Oct. 10, 1949, § 2, added subsec. (f).

Short Title

Section 1 of act Dec. 20, 1945 provided that: "This Act [enacting this subchapter] may be cited as the 'United Nations Participation Act of 1945'."

United Nations Environment Program Participation

Pub. L. 93-188, Dec. 15, 1973, 87 Stat. 713, provided:

"[Sec. 1. Short Title] That this Act [enacting this note] may be cited as the 'United Nations Environment Program Participation Act of 1973'.

"Sec. 2. [Congressional Declaration of Policy] It is the policy of the United States to participate in coordinated international efforts to solve environmental problems of global and international concern, and in order to assist the implementation of this policy, to contribute funds to the United Nations Environmental Fund for the support of international measures to protect and improve the environment.

"Sec. 3. [Authorization of Appropriations] There is authorized to be appropriated $40,000,000 for contributions to the United Nations Environment Fund, which amount is authorized to remain available until expended, and which may be used upon such terms and conditions as the President may specify: *Provided*, That not more than $10,000,000 may be appropriated for use in fiscal year 1974."

United States Grant for Expansion and Improvement of United Nations Headquarters

Pub. L. 91-622, Dec. 31, 1970, 84 Stat. 1867, provided: "That there is hereby authorized to be appropriated to the Secretary of State out of any money in the Treasury not otherwise appropriated, a sum not to exceed $20,000,000, to remain available until expended, for a grant to be made at the discretion of the Secretary of State, to the United Nations to defray a portion of the cost of the expansion and improvement of its headquarters in the city of New York on such terms and conditions as the Secretary of State may determine. Such grant shall not be considered a contribution to the United Nations for purpose of any other applicable law limiting contributions."

United States Loan for Construction of Permanent Headquarters in New York City

Act Aug. 11, 1948, ch. 834, 62 Stat. 1286, authorized the President to loan to the United Nations $65,000,000 to construct a permanent headquarters in New York City, provided for the repayment of the loan without interest in installments beginning July 1, 1951, and continuing until July 1, 1982, and authorized the Reconstruction Finance Corporation to advance to the United Nations up to $25,000,000 until such time as the $65,000,000 is appropriated by Congress.

Establishment of Permanent Headquarters in New York; Agreement Between United Nations and United States

Joint Res. Aug. 4, 1947, ch. 482, 61 Stat. 756, provided that:

"Whereas the Charter of the United Nations was signed on behalf of the United States on June 26, 1945, and was ratified on August 8, 1945, by the President of the United States, by and with the advice and consent of the Senate, and the instrument of ratification of the said Charter was deposited on August 8, 1945; and

"Whereas the said Charter of the United Nations came into force with respect to the United States on October 24, 1945; and

"Whereas article 104 of the Charter provides that 'The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes'; and

"Whereas article 105 of the Charter provides that:

"1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

"2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

"3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this article or may propose conventions to the Members of the United Nations for this purpose; and

"Whereas article 28 and other articles of the Charter of the United Nations contemplate the establishment of a seat for the permanent headquarters of the Organization; and

"Whereas the interim arrangements concluded on June 26, 1945, by the governments represented at the United Nations Conference on International Organization instructed the Preparatory Commission estab-

lished in pursuance of the arrangements to 'make studies and prepare recommendations concerning the location of the permanent headquarters of the Organization'; and

"Whereas during the labors of the said Preparatory Commission, the Congress of the United States in H. Con. Res. 75, passed unanimously by the House of Representatives December 10, 1945,, and agreed to unanimously by the Senate December 11, 1945, invited the United Nations 'to locate the seat of the United Nations Organization within the United States'; and

"Whereas the General Assembly on December 14, 1946, resolved 'that the permanent headquarters of the United Nations shall be established in New York City in the area bounded by First Avenue, East Forty-eighth Street, the East River, and East Forty-second Street'; and

"Whereas the General Assembly resolved on December 14, 1946, 'That the Secretary-General be authorized to negotiate and conclude with the appropriate authorities of the United States of America an agreement concerning the arrangements required as a result of the establishment of the permanent headquarters of the United Nations in the city of New York' and to be guided in these negotiations by the provisions of a preliminary draft agreement which had been negotiated by the Secretary-General and the Secretary of State of the United States; and

"Whereas the General Assembly resolved on December 14, 1946, that pending the coming into force of the agreement referred to above 'the Secretary-General be authorized to negotiate and conclude arrangements with the appropriate authorities of the United States of America to determine on a provisional basis the privileges, immunities, and facilities needed in connection with the temporary headquarters of the United Nations.'; and

"Whereas the Secretary of State of the United States, after consultation with the appropriate authorities of the State and city of New York, signed at Lake Success, New York, on June 26, 1947, on behalf of the United States an agreement with the United Nations regarding the headquarters of the United Nations, which agreement is incorporated herein; and

"Whereas the aforesaid agreement provides that it shall be brought into effect by an exchange of notes between the United States and the Secretary-General of the United Nations: Therefore be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to bring into effect on the part of the United States the agreement between the United States of America and the United Nations regarding the headquarters of the United Nations, signed at Lake Success, New York, on June 26, 1947 (hereinafter referred to as the 'agreement'), with such changes therein not contrary to the general tenor thereof and not imposing any additional obligations on the United States as the President may deem necessary and appropriate, and at his discretion, after consultation with the appropriate State and local authorities, to enter into such supplemental agreements with the United Nations as may be necessary to fulfill the purposes of the said agreement: *Provided,* That any supplemental agreement entered into pursuant to section 5 of the agreement incorporated herein shall be submitted to the Congress for approval. The agreement follows:

"AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED STATES OF AMERICA REGARDING THE HEADQUARTERS OF THE UNITED NATIONS

THE UNITED NATIONS AND THE UNITED STATES OF AMERICA:

Desiring to conclude an agreement for the purpose of carrying out the Resolution adopted by the General Assembly on 14 December 1946 to establish the seat of the United Nations in The City of New York and to regulate questions arising as a result thereof;

Have appointed as their representatives for this purpose:

The United Nations:
TRYGVE LIE,
Secretary-General,
and

The United States of America:
GEORGE C. MARSHALL,
Secretary of State,

Who have agreed as follows:

"ARTICLE I—DEFINITIONS

SECTION 1

In this agreement:

(a) The expression 'headquarters district' means (1) the area defined as such in Annex 1, (2) any other lands or buildings which from time to time may be included therein by supplemental agreement with the appropriate American authorities;

(b) the expression 'appropriate American authorities' means such federal, state, or local authorities in the United States as may be appropriate in the context and in accordance with the laws and customs of the United States, including the laws and customs of the state and local government involved;

(c) the expression 'General Convention' means the Convention on the Privileges and Immunities of the United Nations approved by the General Assembly of the United Nations 13 February 1946, as acceded to by the United States;

(d) the expression 'United Nations' means the international organization established by the Charter of the United Nations, hereinafter referred to as the 'Charter';

(e) the expression 'Secretary-General' means the Secretary-General of the United Nations.

"ARTICLE II—THE HEADQUARTERS DISTRICT

SECTION 2

The seat of the United Nations shall be the headquarters district.

SECTION 3

The appropriate American authorities shall take whatever action may be necessary to assure that the United Nations shall not be dispossessed of its property in the headquarters district, except as provided in Section 22 in the event that the United Nations ceases to use the same; provided that the United Nations shall reimburse the appropriate American authorities for any costs incurred, after consultation with the United Nations, in liquidating by eminent domain proceedings or otherwise any adverse claims.

SECTION 4

(a) The United Nations may establish and operate in the headquarters district:

(1) its own short-wave sending and receiving radio broadcasting facilities (including emergency link equipment) which may be used on the same frequencies (within the tolerances prescribed for the broadcasting service by applicable United States regulations) for radiotelegraph, radioteletype, radiotelephone, radiotelephoto, and similar services;

(2) one point-to-point circuit between the headquarters district and the office of the United Nations in Geneva (using single sideband equipment) to be used exclusively for the exchange of broadcasting programs and interoffice communications;

(3) low power micro-wave, low or medium frequency facilities for communication within headquarters buildings only, or such other buildings as may temporarily be used by the United Nations;

(4) facilities for point-to-point communication to the same extent and subject to the same conditions as permitted under applicable rules and regulations for amateur operation in the United States, except that such rules and regulations shall not be applied in a manner inconsistent with the inviolability of the headquarters district provided by Section 9(a);

(5) such other radio facilities as may be specified by supplemental agreement between the United Nations and the appropriate American authorities.

(b) The United Nations shall make arrangements for the operation of the services referred to in this section with the International Telecommunication Union, the appropriate agencies of the Government of the United States and the appropriate agencies of other affected governments with regard to all frequencies and similar matters.

(c) The facilities provided for in this section may, to the extent necessary for efficient operation, be established and operated outside the headquarters district. The appropriate American authorities will, on request of the United Nations, make arrangements, on such terms and in such manner as may be agreed upon by supplemental agreement, for the acquisition or use by the United Nations of appropriate premises for such purposes and the inclusion of such premises in the headquarters district.

SECTION 5

In the event that the United Nations should find it necessary and desirable to establish and operate an aerodrome, the conditions for the location, use and operation of such an aerodrome and the conditions under which there shall be entry into and exit therefrom shall be the subject of a supplemental agreement.

SECTION 6

In the event that the United Nations should propose to organize its own postal service, the conditions under which such service shall be set up shall be the subject of a supplemental agreement.

"ARTICLE III—LAW AND AUTHORITY IN THE HEADQUARTERS DISTRICT

SECTION 7

(a) The headquarters district shall be under the control and authority of the United Nations as provided in this agreement.

(b) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local law of the United States shall apply within the headquarters district.

(c) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local courts of the United States shall have jurisdiction over acts done and transactions taking place in the headquarters district as provided in applicable federal, state and local laws.

(d) The federal, state and local courts of the United States, when dealing with cases arising out of or relating to acts done or transactions taking place in the headquarters district, shall take into account the regulations enacted by the United Nations under Section 8.

SECTION 8

The United Nations shall have the power to make regulations, operative within the headquarters district for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No federal, state or local law or regulation of the United States which is inconsistent with a regulation of the United Nations authorized by this section shall, to the extent of such inconsistency, be applicable within the headquarters district. Any dispute, between the United Nations and the United States, as to whether a regulation of the United Nations is authorized by this section or as to whether a federal, state or local law or regulation is inconsistent with any regulation of the United Nations authorized by this section, shall be promptly settled as provided in Section 21. Pending such settlement, the regulation of the United Nations shall apply, and the federal, state or local law or regulation shall be inapplicable in the headquarters district to the extent that the United Nations claims it to be inconsistent with the regulation of the United Nations. This section shall not prevent the reasonable application of fire protection regulations of the appropriate American authorities.

SECTION 9

(a) The headquarters district shall be inviolable. Federal, state or local officers or officials of the United States, whether administrative, judicial, military or police, shall not enter the headquarters district to perform any official duties therein except with the consent of and under conditions agreed to by the Secretary-General. The service of legal process, including the seizure of private property, may take place within the headquarters district only with the consent of and under conditions approved by the Secretary-General.

(b) Without prejudice to the provisions of the General Convention or Article IV of this agreement, the United Nations shall prevent the headquarters district from becoming a refuge either for persons who are avoiding arrest under the federal, state, or local law of the United States or are required by the Government of the United States for extradition to another country, or for persons who are endeavoring to avoid service of legal process.

SECTION 10

The United Nations may expel or exclude persons from the headquarters district for violation of its regulations adopted under Section 8 or for other cause. Persons who violate such regulations shall be subject to other penalties or to detention under arrest only in accordance with the provisions of such laws or regulations as may be adopted by the appropriate American authorities.

"ARTICLE IV—COMMUNICATIONS AND TRANSIT

SECTION 11

The federal, state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district of (1) representatives of Members or officials of the United Nations, or of specialized agencies as defined in Article 57, paragraph 2, of the Charter, or the families of such representatives or officials, (2) experts performing missions for the United Nations or for such specialized agencies, (3) representatives of the press, or of radio, film or other information agencies, who have been accredited by the United Nations (or by such a specialized agency) in its discretion after consultation with the United States, (4) representatives of nongovernmental organizations recognized by the United Nations for the purpose of consultation under Article 71 of the Charter, or (5) other persons invited to the headquarters district by the United Nations or by such specialized agency on official business. The appropriate American authorities shall afford any necessary protection to such persons while in transit to or from the headquarters district. This section does not apply to general interruptions of transportation which are to be dealt with as provided in Section 17, and does not impair the effectiveness of generally applicable laws and regulations as to the operation of means of transportation.

SECTION 12

The provisions of Section 11 shall be applicable irrespective of the relations existing between the Governments of the persons referred to in that section and the Government of the United States.

SECTION 13

(a) Laws and regulations in force in the United States regarding the entry of aliens shall not be applied in such manner as to interfere with the privileges referred to in Section 11. When visas are required for persons referred to in that Section, they shall be granted without charge and as promptly as possible.

(b) Laws and regulations in force in the United States regarding the residence of aliens shall not be

applied in such manner as to interfere with the privileges referred to in Section 11 and, specifically, shall not be applied in such manner as to require any such person to leave the United States on account of any activities performed by him in his official capacity. In case of abuse of such privileges of residence by any such person in activities in the United States outside his official capacity, it is understood that the privileges referred to in Section 11 shall not be construed to grant him exemption from the laws and regulations of the United States regarding the continued residence of aliens, provided that:

(1) No proceedings shall be instituted under such laws or regulations to require any such person to leave the United States except with the prior approval of the Secretary of State of the United States. Such approval shall be given only after consultation with the appropriate Member in the case of a representative of a Member (or a member of his family) or with the Secretary-General or the principal executive officer of the appropriate specialized agency in the case of any other person referred to in Section 11;

(2) A representative of the Member concerned, the Secretary-General, or the principal executive officer of the appropriate specialized agency, as the case may be, shall have the right to appear in any such proceedings on behalf of the person against whom they are instituted;

(3) Persons who are entitled to diplomatic privileges and immunities under Section 15 or under the General Convention shall not be required to leave the United States otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the United States.

(c) This section does not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by Section 11 come within the classes described in that section, or the reasonable application of quarantine and health regulations.

(d) Except as provided above in this section and in the General Convention, the United States retains full control and authority over the entry of persons or property into the territory of the United States and the conditions under which persons may remain or reside there.

(e) The Secretary-General shall, at the request of the appropriate American authorities, enter into discussions with such authorities, with a view to making arrangements for registering the arrival and departure of persons who have been granted visas valid only for transit to and from the headquarters district and sojourn therein and in its immediate vicinity.

(f) The United Nations shall, subject to the foregoing provisions of this section, have the exclusive right to authorize or prohibit entry of persons and property into the headquarters district and to prescribe the conditions under which persons may remain or reside there.

SECTION 14

The Secretary-General and the appropriate American authorities shall, at the request of either of them, consult as to methods of facilitating entrance into the United States, and the use of available means of transportation, by persons coming from abroad who wish to visit the headquarters district and do not enjoy the rights referred to in this Article.

"ARTICLE V—RESIDENT REPRESENTATIVES TO THE UNITED NATIONS

SECTION 15

(1) Every person designated by a Member as the principal resident representative to the United Nations of such Member or as a resident representative with the rank of ambassador or minister plenipotentiary,

(2) such resident members of their staffs as may be agreed upon between the Secretary-General, the Government of the United States and the Government of the Member concerned,

(3) every person designated by a Member of a specialized agency, as defined in Article 57, paragraph 2, of the Charter, as its principal resident representative, with the rank of ambassador or minister plenipotentiary, at the headquarters of such agency in the United States, and

(4) such other principal resident representatives of members to a specialized agency and such resident members of the staffs of representatives to a specialized agency as may be agreed upon between the principal executive officer of the specialized agency, the Government of the United States and the Government of the Member concerned, shall, whether residing inside or outside the headquarters district, be entitled in the territory of the United States to the same privileges and immunities, subject to corresponding conditions and obligations, as it accords to diplomatic envoys accredited to it. In the case of Members whose governments are not recognized by the United States, such privileges and immunities need be extended to such representatives, or persons on the staffs of such representatives, only within the headquarters district, at their residences and offices outside the district, in transit between the district and such residences and offices, and in transit on official business to or from foreign countries.

"ARTICLE VI—POLICE PROTECTION OF THE HEADQUARTERS DISTRICT

SECTION 16

(a) The appropriate American authorities shall exercise due diligence to ensure that the tranquility of the headquarters district is not disturbed by the unauthorized entry of groups of persons from outside or by disturbances in its immediate vicinity and shall cause to be provided on the boundaries of the headquarters district such police protection as is required for these purposes.

(b) If so requested by the Secretary-General, the appropriate American authorities shall provide a sufficient number of police for the preservation of law and order in the headquarters district, and for the removal therefrom of persons as requested under the authority of the United Nations. The United Nations shall, if requested, enter into arrangements with the appropriate American authorities to reimburse them for the reasonable cost of such services.

"ARTICLE VII—PUBLIC SERVICES AND PROTECTION OF THE HEADQUARTERS DISTRICT

SECTION 17

(a) The appropriate American authorities will exercise to the extent requested by the Secretary-General the powers which they possess with respect to the supplying of public services to ensure that the headquarters district shall be supplied on equitable terms with the necessary public services, including electricity, water, gas, post, telephone, telegraph, transportation, drainage, collection of refuse, fire protection, snow removal, et cetera. In case of any interruption or threatened interruption of any such services, the appropriate American authorities will consider the needs of the United Nations as being of equal importance with the similar needs of essential agencies of the Government of the United States, and will take steps accordingly, to ensure that the work of the United Nations is not prejudiced.

(b) Special provisions with reference to maintenance of utilities and underground construction are contained in Annex 2.

SECTION 18

The appropriate American authorities shall take all reasonable steps to ensure that the amenities of the headquarters district are not prejudiced and the purposes for which the district is required are not obstructed by any use made of the land in the vicinity of the district. The United Nations shall on its part take all reasonable steps to ensure that the amenities of

the land in the vicinity of the headquarters district are not prejudiced by any use made of the land in the headquarters district by the United Nations.

SECTION 19

It is agreed that no form of racial or religious discrimination shall be permitted within the headquarters district.

"ARTICLE VIII—MATTERS RELATING TO THE OPERATION OF THIS AGREEMENT

SECTION 20

The Secretary-General and the appropriate American authorities shall settle by agreement the channels through which they will communicate regarding the application of the provisions of this agreement and other questions affecting the headquarters district, and may enter into such supplemental agreements as may be necessary to fulfill the purposes of this agreement. In making supplemental agreements with the Secretary-General, the United States shall consult with the appropriate state and local authorities. If the Secretary-General so requests, the Secretary of State of the United States shall appoint a special representative for the purpose of liaison with the Secretary-General.

SECTION 21

(a) Any dispute between the United Nations and the United States concerning the interpretation or application of this agreement or of any supplemental agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General, one to be named by the Secretary of State of the United States, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.

(b) The Secretary-General or the United States may ask the General Assembly to request of the International Court of Justice an advisory opinion on any legal question arising in the course of such proceedings. Pending the receipt of the opinion of the Court, an interim decision of the arbitral tribunal shall be observed on both parties. Thereafter, the arbitral tribunal shall render a final decision, having regard to the opinion of the Court.

"ARTICLE IX—MISCELLANEOUS PROVISIONS

SECTION 22

(a) The United Nations shall not dispose of all or any part of the land owned by it in the headquarters district without the consent of the United States. If the United States is unwilling to consent to a disposition which the United Nations wishes to make of all or any part of such land, the United States shall buy the same from the United Nations at a price to be determined as provided in paragraph (d) of this section.

(b) If the seat of the United Nations is removed from the headquarters district, all right, title and interest of the United Nations in and to real property in the headquarters district or any part of it shall, on request of either the United Nations or the United States, be assigned and conveyed to the United States. In the absence of such request, the same shall be assigned and conveyed to the subdivision of a state in which it is located or, if such subdivision shall not desire it, then to the state in which it is located. If none of the foregoing desires the same, it may be disposed of as provided in paragraph (a) of this section.

(c) If the United Nations disposes of all or any part of the headquarters district, the provisions of other sections of this agreement which apply to the headquarters district shall immediately cease to apply to the land and buildings so disposed of.

(d) The price to be paid for any conveyance under this section shall, in default of agreement, be the then fair value of the land, buildings and installations, to be determined under the procedure provided in Section 21.

SECTION 23

The seat of the United Nations shall not be removed from the headquarters district unless the United Nations should so decide.

SECTION 24

This agreement shall cease to be in force if the seat of the United Nations is removed from the territory of the United States, except for such provisions as may be applicable in connection with the orderly termination of the operations of the United Nations at its seat in the United States and the disposition of its property therein.

SECTION 25

Wherever this agreement imposes obligations on the appropriate American authorities, the Government of the United States shall have the ultimate responsibility for the fulfillment of such obligations by the appropriate American authorities.

SECTION 26

The provisions of this agreement shall be complementary to the provisions of the General Convention. In so far as any provision of this agreement and any provisions of the General Convention relate to the same subject matter, the two provisions shall, wherever possible, be treated as complementary, so that both provisions shall be applicable and neither shall narrow the effect of the other; but in any case of absolute conflict, the provisions of this agreement shall prevail.

SECTION 27

This agreement shall be construed in the light of its primary purpose to enable the United Nations at its headquarters in the United States, fully and efficiently to discharge its responsibilities and fulfill its purposes.

SECTION 28

This agreement shall be brought into effect by an exchange of notes between the Secretary-General, duly authorized pursuant to a resolution of the General Assembly of the United Nations, and the appropriate executive officer of the United States, duly authorized pursuant to appropriate action of the Congress.

In witness whereof the respective representatives have signed this Agreement and have affixed their seals hereto.

Done in duplicate, in the English and French languages, both authentic, at Lake Success the twenty-sixth day of June 1947.

For the Government of the United States of America:

G. C. MARSHALL,
Secretary of State

For the United Nations:

TRYGVE LIE,
Secretary-General

"ANNEX 1

The area referred to in Section 1(a)(1) consists of (a) the premises bounded on the East by the westerly side of Franklin D. Roosevelt Drive, on the West by the easterly side of First Avenue, on the North by the southerly side of East Forty-eighth Street, and on the South by the northerly side of East Forty-second Street, all as proposed to be widened, in the Borough of Manhattan, City and State of New York, and (b) an easement over Franklin D. Roosevelt Drive, above a lower limiting plane to be fixed for the construction and maintenance of an esplanade, together with the structures thereon and foundations and columns to support the same in locations below such limiting plane, the entire area to be more definitely defined by supplemental agreement between the United Nations and the United States of America.

"ANNEX 2—MAINTENANCE OF UTILITIES AND UNDERGROUND CONSTRUCTION

SECTION 1

The Secretary-General agrees to provide passes to duly authorized employees of The City of New York, the State of New York, or any of their agencies or subdivisions, for the purpose of enabling them to inspect, repair, maintain, reconstruct and relocate utilities, conduits, mains and sewers within the headquarters district.

SECTION 2

Underground constructions may be undertaken by The City of New York, or the State of New York, or any of their agencies or subdivisions, within the headquarters district only after consultation with the Secretary-General, and under conditions which shall not disturb the carrying out of the functions of the United Nations.

SEC. 2. For the purpose of carrying out the obligations of the United States under said agreement and supplemental agreements with respect to United States assurances that the United Nations shall not be dispossessed of its property in the headquarters district, and with respect to the establishment of radio facilities and the possible establishment of an airport:

(a) The President of the United States, or any official or governmental agency authorized by the President, may acquire in the name of the United States any property or interest therein by purchase, donation, or other means of transfer, or may cause proceedings to be instituted for the acquisition of the same by condemnation.

(b) Upon the request of the President, or such officer as the President may designate, the Attorney General of the United States shall cause such condemnation or other proceedings to be instituted in the name of the United States in the district court of the United States for the district in which the property is situated and such court shall have full jurisdiction of such proceedings, and any condemnation proceedings shall be conducted in accordance with the Act of August 1, 1888 (25 Stat. 357), as amended [section 257 of Title 40, Public Buildings, Property, and Works] and the Act of February 26, 1931 (46 Stat. 1421), as amended [sections 258a to 258e of title 40].

(c) After the institution of any such condemnation proceedings, possession of the property may be taken at any time the President, or such officer as he may designate, determines is necessary, and the court shall enter such orders as may be necessary to effect entry and occupancy of the property.

(d) The President of the United States, or any officer or governmental agency duly authorized by the President, may, in the name of the United States, transfer or convey possession of and title to any interest in any property acquired or held by the United States, pursuant to paragraph (a) above, to the United Nations on the terms provided in the agreement or in any supplemental agreement, and shall execute and deliver such conveyances and other instruments and perform such other acts in connection therewith as may be necessary to carry out the provisions of the agreement.

(e) There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be required to enable the United States to carry out the undertakings hereby authorized: *Provided*, That any money appropriated under this authorization shall be spent only on a basis of reimbursement by the United Nations in accordance with section 3 of the agreement, and that the money thus reimbursed shall be deposited and covered into the Treasury of the United States as miscellaneous receipts.

SEC. 3. The President, or the Secretary of State under his direction, is authorized to enter into agreements with the State of New York or any other State of the United States and to the extent not inconsistent with State law, with any one or more of the political subdivisions thereof in aid of effectuating the provisions of the agreement.

SEC. 4. Any States, or, to the extent not inconsistent with State law any political subdivisions thereof, affected by the establishment of the headquarters of the United Nations in the United States are authorized to enter into agreements with the United Nations or with each other consistent with the agreement and for the purpose of facilitating compliance with the same: *Provided*, That, except in cases of emergency and agreements of a routine contractual character, a representative of the United States, to be appointed by the Secretary of State, may, at the discretion of the Secretary of State, participate in the negotiations, and that any such agreement entered into by such State or States or political subdivisions thereof shall be subject to approval by the Secretary of State.

SEC. 5. The President is authorized to make effective with respect to the temporary headquarters of the United Nations in the State of New York, on a provisional basis, such of the provisions of the agreement as he may deem appropriate, having due regard for the needs of the United Nations at its temporary headquarters.

SEC. 6. Nothing in the agreement shall be construed as in any way diminishing, abridging, or weakening the right of the United States to safeguard its own security and completely to control the entrance of aliens into any territory of the United States other than the headquarters district and its immediate vicinity, as to be defined and fixed in a supplementary agreement between the Government of the United States and the United Nations in pursuance of section 13(3)(e) of the agreement, and such areas as it is reasonably necessary to traverse in transit between the same and foreign countries. Moreover, nothing in section 14 of the agreement with respect to facilitating entrance into the United States by persons who wish to visit the headquarters district and do not enjoy the right of entry provided in section 11 of the agreement shall be construed to amend or suspend in any way the immigration laws of the United States or to commit the United States in any way to effect any amendment or suspension of such laws."

EX. ORD. NO. 10108. DESIGNATION OF U.S. MISSION TO UNITED NATIONS

Ex. Ord. No. 10108, Feb. 9, 1950, 15 F.R. 757, provided:

By virtue of the authority vested in me by the United Nations Participation Act of 1945 (59 Stat. 619) [this subchapter], as amended by the act of October 10, 1949, 63 Stat. 734, and as President of the United States, it is hereby ordered as follows:

1. The Representative of the United States to the United Nations, the Deputy Representative of the United States to the United Nations, the Deputy Representative of the United States to the Security Council of the United Nations, representatives of the United States in the Economic and Social Council of the United Nations and its Commissions, representatives of the United States in the Trusteeship Council, the Atomic Energy Commission, the Commission for Conventional Armaments, and the Military Staff Committee of the United Nations, and representatives to organs and agencies of the United Nations appointed or designated and included within the United States Mission to the United Nations as herein designated, together with their deputies, staffs, and offices—shall constitute and be known as the United States Mission to the United Nations.

2. The Representative of the United States to the United Nations shall be the Chief of Mission in charge of the United States Mission to the United Nations. The Chief of Mission shall coordinate at the seat of the United Nations the activities of the Mission in carrying out the instructions of the President transmitted either by the Secretary of State or by other means of transmission as directed by the President. Instructions to the representatives of the United States Joint

Chiefs of Staff in the Military Staff Committee of the United Nations shall be transmitted by the Joint Chiefs of Staff. On request of the Chief of Mission, such representatives shall, in addition to their responsibilities under the Charter of the United Nations, serve as advisers in the United States Mission to the United Nations.

3. The Chief of Mission shall be responsible for the administration of the Mission, including personnel, budget, obligation and expenditure of funds, and the central administrative services; provided that he shall not be responsible for the internal administration of the personnel, budget, and obligation and expenditure of funds of the representatives of the United States Joint Chiefs of Staff in the Military Staff Committee of the United Nations. The Chief of Mission shall discharge his responsibilities under this paragraph in accordance with such rules and regulations as the Secretary of State may from time to time prescribe.

4. The Deputy Representative of the United States to the United Nations shall be the Deputy Chief of Mission, who shall act as Chief of Mission in the absence of the Representative of the United States to the United Nations.

5. This order supersedes Executive Order No. 9844 of April 28, 1947, entitled "Designating the United States Mission to the United Nations and Providing for Its Direction and Administration."

Ex. Ord. No. 10422. Loyalty Procedures for Employees

Ex. Ord. No. 10422, Jan. 9, 1953, 18 F.R. 239, as amended by Ex. Ord. No. 10459, June 2, 1953, 18 F.R. 3183; Ex. Ord. No. 10763, Apr. 23, 1958, eff. July 1, 1958, 23 F.R. 2767; Ex. Ord. No. 11890, Dec. 10, 1975, 40 F.R. 57775, provided:

PART I—INVESTIGATION OF UNITED STATES CITIZENS EMPLOYED OR BEING CONSIDERED FOR EMPLOYMENT ON THE SECRETARIAT OF THE UNITED NATIONS

1. Whenever the Secretary of State receives, from the Secretary General of the United Nations, the name of and other necessary identifying data concerning each United States citizen employed or being considered for employment by the United Nations, the Secretary of State shall, consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and other applicable law, cause an investigation to be conducted as provided in paragraph 2 of this Part, or forward the information received from the Secretary General to the Civil Service Commission, which shall conduct an investigation, consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and other applicable law, as provided in paragraphs 3 and 4 of this Part.

2. With respect to all applicants for short term appointments which will not exceed six months and which are not appointments to United Nations Secretariat professional posts or posts subject to geographical distribution, the Secretary of State shall cause an investigation to be conducted, which investigation shall be limited to a search of the files of the Department of State. If the investigation reveals any derogatory information within the meaning of the standard set forth in Part II of this order, the information received from the Secretary General of the United Nations shall be forwarded to the United States Civil Service Commission, which shall conduct an investigation.

3(a) Whenever the Civil Service Commission receives the information forwarded by the Secretary General to the Secretary of State, the Civil Service Commission shall conduct a National Agency Check. Each National Agency Check shall include reference to the following: (1) Federal Bureau of Investigation files; (2) Civil Service Commission files; (3) Military Intelligence files as appropriate; and (4) files of any other appropriate Government investigative or intelligence agency.

(b) If the investigation conducted by the Civil Service Commission reveals that a favorable National Agency Check was previously completed, and the investigation conducted by the Civil Service Commission has not disclosed any derogatory information within the meaning of the standard set forth in Part II of this order, completion of a new National Agency Check is not required if: (1) the applicant is or was previously employed by the same or another international organization without an immediately prior break in such service exceeding one year; (2) the applicant is or was a United States Government civilian or military employee, or a United States Government contract employee, without an immediately prior break in such employment exceeding one year; or (3) the applicant is transferred or detailed from an agency of the United States Government pursuant to the provisions of sections 3343, 3581, 3582, 3583, or 3584 of Title 5 of the United States Code.

(c) Military and naval intelligence files as appropriate.

(d) The files of any other appropriate Government investigative or intelligence agency.

(e) The files of appropriate committees of the Congress.

(f) Local law-enforcement files at the place of residence and employment of the person, including municipal, county, and State law-enforcement files.

(g) Schools and colleges attended by the person.

(h) Former employers of the person.

(i) References given by the person.

(j) Any other appropriate source.

However, in the case of short-term employees whose employment does not exceed ninety days, such investigation need not include reference to subparagraphs (f) through (j) of this paragraph.

4. Whenever information disclosed with respect to any person being investigated is derogatory, within the standard set forth in Part II of this order, the United States Civil Service Commission shall forward such information to the Federal Bureau of Investigation, and the Bureau shall conduct a full field investigation of such persons.

5. Reports of full field investigations shall be forwarded through the United States Civil Service Commission to the International Organizations Employees Loyalty Board, established by Part IV of this order and hereinafter referred to as the Board. Whenever such a report contains derogatory information, under the standard set forth in Part II of this order, there shall be made available to the person in question the procedures of the Board provided or authorized by Part IV of this order (including the opportunity of a hearing) for inquiring into the loyalty of the person as a United States citizen in accordance with the standard set forth in Part II of this order. The Board shall transmit its determinations, as advisory opinions, together with the reasons therefor stated in as much detail as the Board determines that security considerations permit, to the Secretary of State for transmission to the Secretary General of the United Nations for his use in exercising his rights and duties with respect to the personnel of the United Nations as set out in the Charter and in regulations and decisions of the competent organs of the United Nations.

6. At any stage during the investigation or Board proceeding, the Board may transmit to the Secretary of State, for forwarding to the Secretary General, in as much detail as the Board determines that security considerations permit, the derogatory information disclosed by investigation. This shall be for the purpose of assisting the Secretary General in determining whether or not he should take action with respect to the employee, or the person being considered for employment, prior to the completion of the procedures outlined in this order. The making available of any such information shall be without prejudice to the right of full hearing as provided for herein.

7. The Secretary of State shall notify the Secretary General in all cases in which no derogatory information has been developed.

PART II—STANDARD

1. The standard to be used by the Board in making an advisory determination as provided for in para-

graph 5 of Part I of this order with respect to a United States citizen who is an employee of, or is being considered for employment by, the United Nations, shall be whether or not on all the evidence there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States.

2. Activities and associations of a United States citizen who is an employee or being considered for employment by the United Nations which may be considered in connection with the determination whether or not on all the evidence there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States may include one or more of the following:

(a) Sabotage, espionage, or attempts or preparations therefor, or knowingly associating with spies or saboteurs.

(b) Treason or sedition or advocacy thereof.

(c) Advocacy of revolution or force or violence to alter the constitutional form of government of the United States.

(d) Intentional, unauthorized disclosure to any person, under circumstances which may indicate disloyalty to the United States, of United States documents or United States information of a confidential or non-public character obtained by the person making the disclosure as a result of his previous employment by the Government of the United States or otherwise.

(e) Performing or attempting to perform his duties, or otherwise acting, while an employee of the United States Government during a previous period, so as to serve the interests of another government in preference to the interests of the United States.

(f) Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group or combination of persons, which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States, or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means.

PART III—OTHER INTERNATIONAL ORGANIZATIONS

The provisions of Parts I and II of this order shall be applicable to United States citizens who are employees of, or are being considered for employment by, other public international organizations of which the United States Government is a member, by arrangement between the executive head of the international organization concerned and the Secretary of State or other officer of the United States designated by the President.

PART IV—INTERNATIONAL ORGANIZATIONS EMPLOYEES LOYALTY BOARD

1. There is hereby established in the Civil Service Commission an International Organizations Employees Loyalty Board of not less than three impartial persons, the members of which shall be officers or employees of the Commission.

2. The Board shall have authority in cases referred to it under this order to inquire into the loyalty to the Government of the United States of United States citizens employed, or considered for employment, by international organizations of which the United States is a member, and to make advisory determinations in such cases, under the standard set forth in Part II of this order, for transmission by the Secretary of State to the executive heads of the international organizations coming under the arrangements made pursuant to Parts I and III of this order.

3. The Board shall make necessary rules and regulations, not inconsistent with the provisions of this order, for the execution of its functions. There shall be included in such rules and regulations provisions for furnishing each person whose case is considered by the Board:

(a) A written statement of the alleged derogatory information, in as much detail as security considerations permit.

(b) An opportunity to answer or comment upon the statement of alleged derogatory information, in writing, and to submit affidavits.

(c) An opportunity for hearing before the Board, or a panel thereof of at least three members, including the right of the person to be represented by counsel, to present witnesses and other evidence in his behalf, and to cross-examine witnesses offered in support of the derogatory information: *Provided*, That the Board shall conduct its hearings in such manner as to protect from disclosure information affecting the national security.

4. Based upon all the evidence before it, including such confidential information as it may have in its possession, the Board shall make its determinations in writing, and shall send to each person who is the subject thereof a copy. In cases in which hearing or other action is by a panel of three members, the action or determination of the panel shall constitute the action or determination of the Board, except that rules and regulations pursuant to paragraph 3 of this Part shall be adopted by action of the Board as a whole.

5. Except as otherwise specified in this order, the Civil Service Commission shall provide the necessary investigative and other services required by the Board. All agencies of the executive branch of the Government are authorized and directed to cooperate with the Board, and, to the extent permitted by law, to furnish the Board such information and assistance as it may require in the performance of its functions.

6. All cases arising under this order which are pending before the Regional Loyalty Boards and the Loyalty Review Board of the Commission on the effective date of Executive Order No. 10450 of April 27, 1953, shall on that date be transferred to the Board.

UN MEMBERSHIP FOR COMMUNIST CHINA

Section 105 of Pub. L. 91-472, title I, Oct. 21, 1970, 84 Stat. 1044 provided that it was the sense of the Congress that the United Nations should not admit the Communist Chinese Government to membership as the representative of China.

Similar provisions were contained in the following acts:

Dec. 24, 1969, Pub. L. 91-153, title I, § 105, 83 Stat. 407.

Aug. 9, 1968, Pub. L. 90-470, title I, § 105, 82 Stat. 672.

Nov. 8, 1967, Pub. L. 90-133, title I, § 105, 81 Stat. 416.

Nov. 8, 1966, Pub. L. 89-797, title I, § 105, 80 Stat. 1484.

Sept. 2, 1965, Pub. L. 89-164, title I, § 105, 79 Stat. 625.

Aug. 31, 1964, Pub. L. 88-527, title I, § 105, 78 Stat. 716.

Dec. 30, 1963, Pub. L. 88-245, title I, § 105, 77 Stat. 781.

Oct. 18, 1962, Pub. L. 87-843, title I, § 105, 76 Stat. 1085.

Sept. 21, 1961, Pub. L. 87-264, title I, § 105, 75 Stat. 550.

Aug. 31, 1960, Pub. L. 86-678, title I, § 105, 74 Stat. 561.

July 13, 1959, Pub. L. 86-84, title I, § 105, 73 Stat. 186.

June 30, 1958, Pub. L. 85-474, title I, § 105, 72 Stat. 249.

June 11, 1957, Pub. L. 85-49, title I, § 105, 71 Stat. 60.

June 20, 1956, ch. 414, title I, § 110, 70 Stat. 304.

July 7, 1955, ch. 279, title I, § 110, 69 Stat. 270.

July 2, 1954, ch. 456, title I, § 110, 68 Stat. 418.

Aug. 5, 1953, ch. 328, title I, § 111, 67 Stat. 372.

TRUSTEESHIP AGREEMENT RELATING TO TERRITORY OF THE PACIFIC ISLANDS

Act of July 18, 1947, ch. 271, 61 Stat. 397, authorized the President to approve the trusteeship agreement

between the United States and the Security Council of the United Nations for the Territory of the Pacific Islands.

CROSS REFERENCES

Military Staff Committee of United Nations, appointment of senior members, see section 711 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred in sections 287a, 287e of this title.

§ 287a. Action by representatives in accordance with Presidential instructions; voting

The representatives provided for in section 287 of this title, when representing the United States in the respective organs and agencies of the United Nations, shall, at all times, act in accordance with the instructions of the President transmitted by the Secretary of State unless other means of transmission is directed by the President, and such representatives shall, in accordance with such instructions, cast any and all votes under the Charter of the United Nations.

(Dec. 20, 1945, ch. 583, § 3, 59 Stat. 620.)

§ 287b. Reports to Congress by President

The President shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress of the activities of the United Nations and of the participation of the United States therein. He shall make special current reports on decisions of the Security Council to take enforcement measures under the provisions of the Charter of the United Nations, and on the participation therein under his instructions, of the representative of the United States.

(Dec. 20, 1945, ch. 583, § 4, 59 Stat. 620.)

§ 287c. Enforcement of economic and communication sanctions; penalties

(a) Notwithstanding the provisions of any other law, whenever the United States is called upon by the Security Council to apply measures which said Council has decided, pursuant to article 41 of said Charter, are to be employed to give effect to its decisions under said Charter, the President may, to the extent necessary to apply such measures, through any agency which he may designate, and under such orders, rules, and regulations as may be prescribed by him, investigate, regulate, or prohibit, in whole or in part, economic relations or rail, sea, air, postal, telegraphic, radio, and other means of communication between any foreign country or any national thereof or any person therein and the United States or any person subject to the jurisdiction thereof, or involving any property subject to the jurisdiction of the United States.

(b) Any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to subsection (a) of this section shall, upon conviction, be find [1] not more than $10,000 or, if a natural person, be imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation or evasion shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, or vehicle, or aircraft, concerned in such violation shall be forfeited to the United States.

(Dec. 20, 1945, ch. 583, § 5, 59 Stat. 620; Oct. 10, 1949, ch. 660, § 3, 63 Stat. 735.)

REFERENCES IN TEXT

"Article 41 of said Charter", referred to in subsec. (a), is an article of the United Nations Charter.

AMENDMENTS

1949—Subsec. (b). Act Oct. 10, 1949, made aircraft subject to forfeiture.

EX. ORD. NO. 11419. TRADE AND OTHER TRANSACTIONS INVOLVING SOUTHERN RHODESIA

Ex. Ord. No. 11419, July 29, 1968, 33 F.R. 10837, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 5 of the United Nations Participation Act of 1945 (59 Stat. 620), as amended (22 U.S.C. 287c), and section 301 of Title 3 of the United States Code, and as President of the United States, and considering the measures which the Security Council of the United Nations by Security Council Resolution No. 253 adopted May 29, 1968, has decided upon pursuant to article 41 of the Charter of the United Nations, and which it has called upon all members of the United Nations, including the United States, to apply, it is hereby ordered:

SECTION 1. In addition to the prohibitions of section 1 of Executive Order No. 11322 of January 5, 1967 [set out as a note under this section], the following are prohibited effective immediately, notwithstanding any contracts entered into or licenses granted before the date of this Order:

(a) Importation into the United States of any commodities or products originating in Southern Rhodesia and exported therefrom after May 29, 1968.

(b) Any activities by any person subject to the jurisdiction of the United States which promote or are calculated to promote the export from Southern Rhodesia after May 29, 1968, of any commodities or products originating in Southern Rhodesia, and any dealings by any such person in any such commodities or products, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings; *Provided*, however, that the prohibition against the dealing in commodities or products exported from Southern Rhodesia shall not apply to any such commodities or products which, prior to the date of this Order, had been lawfully imported into the United States.

(c) Carriage in vessels or aircraft of United States registration or under charter to any person subject to the jurisdiction of the United States of any commodities or products originating in Southern Rhodesia and exported therefrom after May 29, 1968.

(d) Sale or supply by any person subject to the jurisdiction of the United States, or any other activities by any such person which promote or are calculated to promote the sale or supply, to any person or body in Southern Rhodesia or to any person or body for the purposes of any business carried on in or operated from Southern Rhodesia of any commodities or products. Such activities, including carriage in vessels or aircraft, may be authorized with respect to supplies intended strictly for medical purposes, educational equipment and material for use in schools and other educational institutions, publications, news material, and foodstuffs required by special humanitarian circumstances.

[1] So in original. Probably should read "fined".

(e) Carriage in vessels or aircraft of United States registration or under charter to any person subject to the jurisdiction of the United States of any commodities or products consigned to any person or body in Southern Rhodesia, or to any person or body for the purposes of any business carried on in or operated from Southern Rhodesia.

(f) Transfer by any person subject to the jurisdiction of the United States directly or indirectly to any person or body in Southern Rhodesia of any funds or other financial or economic resources. Payments exclusively for pensions, for strictly medical, humanitarian or educational purposes, for the provision of news material or for foodstuffs required by special humanitarian circumstances may be authorized.

(g) Operation of any United States air carrier or aircraft owned or chartered by any person subject to the jurisdiction of the United States or of United States registration (i) to or from Southern Rhodesia or (ii) in coordination with any airline company constituted or aircraft registered in Southern Rhodesia.

SEC. 2. The functions and responsibilities for the enforcement of the foregoing prohibitions, and of those prohibitions of Executive Order No. 11322 of January 5, 1967 specified below, are delegated as follows:

(a) To the Secretary of Commerce, the function and responsibility of enforcement relating to—

(i) the exportation from the United States of commodities and products other than those articles referred to in section 2(a) of Executive Order No. 11322 of January 5, 1967; and

(ii) the carriage in vessels of any commodities or products the carriage of which is prohibited by section 1 of this Order or by section 1 of Executive Order No. 11322 of January 5, 1967.

(b) To the Secretary of Transportation, the function and responsibility of enforcement relating to the operation of air carriers and aircraft and the carriage in aircraft of any commodities or products the carriage of which is prohibited by section 1 of this Order or by section 1 of Executive Order No. 11322 of January 5, 1967.

(c) To the Secretary of the Treasury, the function and responsibility of enforcement to the extent not previously delegated in section 2 of Executive Order No. 11322 of January 5, 1967, and not delegated under subsections (a) and (b) of this section.

SEC. 3. The Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Transportation shall exercise any authority which such officer may have apart from the United Nations Participation Act of 1945 [this subchapter] or this Order so as to give full effect to this Order and Security Council Resolution No. 253.

SEC. 4. (a) In carrying out their respective functions and responsibilities under this Order, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Transportation shall consult with the Secretary of State. Each such Secretary shall consult, as appropriate, with other government agencies and private persons.

(b) Each such Secretary shall issue such regulations, licenses or other authorizations as he considers necessary to carry out the purposes of this Order and Security Council Resolution No. 253.

SEC. 5. (a) The term "United States," as used in this Order in a geographical sense, means all territory subject to the jurisdiction of the United States.

(b) The term "person" means an individual, partnership, association or other unincorporated body of individuals, or corporation.

SEC. 6. Executive Order No. 11322 of January 5, 1967, implementing United Nations Security Council Resolution No. 232 of December 16, 1966, shall continue in effect as modified by sections 2, 3, and 4 of this Order.

LYNDON B. JOHNSON.

EX. ORD. NO. 11322. TRANSACTIONS INVOLVING SOUTHERN RHODESIA

Ex. Ord. No. 11322, Jan. 5, 1967, 4 F.R. 119, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 5 of the United Nations Participation Act of 1945 (59 Stat. 620), as amended (22 U.S.C. 287c), and section 301 of Title 3 of the United States Code, and as President of the United States, and considering the measures which the Security Council of the United Nations, by Security Council Resolution No. 232 adopted December 16, 1966, has decided upon pursuant to article 41 of the Charter of the United Nations, and which it has called upon all members of the United Nations, including the United States, to apply, it is hereby ordered:

SECTION 1. The following are prohibited effective immediately, notwithstanding any contracts entered into or licenses granted before the date of this Order:

(a) The importation into the United States of asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat products, and hides, skins and leather, originating in Southern Rhodesia and exported therefrom after December 16, 1966, or products made therefrom in Southern Rhodesia or elsewhere.

(b) Any activities by any person subject to the jurisdiction of the United States, which promote or are calculated to promote the export from Southern Rhodesia after December 16, 1966, of any of the commodities specified in subsection (a) of this section originating in Southern Rhodesia, and any dealings by any such person in any such commodities or in products made therefrom in Southern Rhodesia or elsewhere, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings: *Provided*, however, that the prohibition against the dealing in commodities exported from Southern Rhodesia or products made therefrom shall not apply to any such commodities or products which, prior to the date of this Order, had been imported into the United States.

(c) Shipment in vessels or aircraft of United States registration of any of the commodities specified in subsection (a) of this section originating in Southern Rhodesia and exported therefrom after December 16, 1966, or products made therefrom in Southern Rhodesia or elsewhere.

(d) Any activities by any person subject to the jurisdiction of the United States, which promote or are calculated to promote the sale or shipment to Southern Rhodesia of arms, ammunition of all types, military aircraft, military vehicles and equipment and materials for the manufacture and maintenance of arms and ammunition in Southern Rhodesia.

(e) Any activities by any person subject to the jurisdiction of the United States, which promote or are calculated to promote the supply to Southern Rhodesia of all other aircraft and motor vehicles, and of equipment and materials for the manufacture, assembly, or maintenance of aircraft or motor vehicles in Southern Rhodesia; the shipment in vessels or aircraft of United States registration of any such goods destined for Southern Rhodesia; and any activities by any persons subject to the jurisdiction of the United States, which promote or are calculated to promote the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia.

(f) Any participation in the supply of oil or oil products to Southern Rhodesia (i) by any person subject to the jurisdiction of the United States, or (ii) by vessels or aircraft of United States registration, or (iii) by the use of any land or air transport facility located in the United States.

SEC. 2. The functions and responsibilities for the enforcement of the foregoing prohibitions are delegated as follows:

(a) To the Secretary of State, the function and responsibility of enforcement relating to the importation into, or exportation from the United States of articles, including technical data, the control of the importation or exportation of which is provided for in section 414 of the Mutual Security Act of 1954 (68 Stat. 848), as amended (22 U.S.C. 1934), and has been delegated to the Secretary of State by section 101 of

Executive Order No. 10973 of September 3, 1961 [set out as a note under section 2381 of this title].

(b) To the Secretary of Commerce, the function and responsibility of enforcement relating to—

(i) the exportation from the United States of articles other than the articles, including technical data, referred to in subsection (a) of this section; and

(ii) the transportation in vessels or aircraft of United States registration of any commodities the transportation of which is prohibited by section 1 of this Order.

(c) To the Secretary of the Treasury, the function and responsibility of enforcement to the extent not delegated under subsection (a) or (b) of this section.

SEC. 3. The Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce shall exercise any authority which such officer may have apart from the United Nations Participation Act of 1945 [this subchapter] or this Order so as to give full effect to this Order and Security Council Resolution No. 232.

SEC. 4. (a) In carrying out their respective functions and responsibilities under this Order, the Secretary of the Treasury and the Secretary of Commerce shall consult with the Secretary of State. Each such Secretary shall consult, as appropriate, with other government agencies and private persons.

(b) Each such Secretary shall issue such regulations, licenses, or other authorizations as he considers necessary to carry out the purposes of this Order and Security Council Resolution No. 232.

SEC. 5. (a) The term "United States", as used in this Order in a geographical sense, means all territory subject to the jurisdiction of the United States.

(b) The term "person" means an individual, partnership, association, or other unincorporated body of individuals, or corporation.

LYNDON B. JOHNSON.

CROSS REFERENCES

Felony as offense punishable by imprisonment for term exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 287d. Use of armed forces; limitations

The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces, their degree of readiness and general location, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter. The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements the armed forces, facilities, or assistance provided for therein: *Provided*, That, except as authorized in section 287d–1 of this title, nothing herein contained shall be construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreement or agreements.

(Dec. 20, 1945, ch. 583, § 6, 59 Stat. 621; Oct. 10, 1949, ch. 660, § 4, 63 Stat. 735.)

REFERENCES IN TEXT

"Article 43 of said Charter" and "article 42 of said Charter", referred to in text, are articles of the United Nations Charter.

"Herein", referred to in text, means act Dec. 20, 1945, ch. 583, 59 Stat. 619, known as the United Nations Participation Act of 1945, which is classified generally to this subchapter (§ 287 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 287 of this title and Tables volume.

AMENDMENTS

1949—Act Oct. 10, 1949, inserted in proviso immediately following "That" the words ", except as authorized in section 287d–1 of this title,".

§ 287d–1. Noncombatant assistance to United Nations

(a) Armed forces details; supplies and equipment; obligation of funds; procurement and replacement of requested items

Notwithstanding the provisions of any other law, the President, upon the request by the United Nations for cooperative action, and to the extent that he finds that it is consistent with the national interest to comply with such request, may authorize, in support of such activities of the United Nations as are specifically directed to the peaceful settlement of disputes and not involving the employment of armed forces contemplated by chapter VII of the United Nations Charter—

(1) the detail to the United Nations, under such terms and conditions as the President shall determine, of personnel of the armed forces of the United States to serve as observers, guards, or in any non-combatant capacity, but in no event shall more than a total of one thousand of such personnel be so detailed at any one time: *Provided*, That while so detailed, such personnel shall be considered for all purposes as acting in the line of duty, including the receipt of pay and allowances as personnel of the armed forces of the United States, credit for longevity and retirement, and all other perquisites appertaining to such duty: *Provided further*, That upon authorization or approval by the President, such personnel may accept directly from the United Nations (a) any or all of the allowances or perquisites to which they are entitled under the first proviso hereof, and (b) extraordinary expenses and perquisites incident to such detail;

(2) the furnishing of facilities, services, or other assistance and the loan of the agreed fair share of the United States of any supplies and equipment to the United Nations by the Department of Defense, under such terms and conditions as the President shall determine;

(3) the obligation, insofar as necessary to carry out the purposes of clauses (1) and (2) of this subsection, of any funds appropriated to the Department of Defense or any department therein, the procurement of such personnel, supplies, equipment, facilities, services, or other assistance as may be made available in accordance with the request of the United Nations, and the replacement of such items, when necessary, where they are furnished from stocks.

(b) Reimbursement from United Nations; waiver of reimbursement

Whenever personnel or assistance is made available pursuant to the authority contained in subsection (a)(1) and (2) of this section, the President shall require reimbursement from the United Nations for the expense thereby incurred by the United States: *Provided*, That in exceptional circumstances, or when the President finds it to be in the national interest, he may waive, in whole or in part, the requirement of such reimbursement: *Provided further*, That when any such reimbursement is made, it shall be credited, at the option of the appropriate department of the Department of Defense, either to the appropriation, fund, or account utilized in incurring the obligation, or to an appropriate appropriation, fund, or account currently available for the purposes for which expenditures were made.

(c) Additional appropriation authorizations

In addition to the authorization of appropriations to the Department of State contained in section 287e of this title, there is hereby authorized to be appropriated to the Department of Defense, or any department therein, such sums as may be necessary to reimburse such departments in the event that reimbursement from the United Nations is waived in whole or in part pursuant to authority contained in subsection (b) of this section.

(d) Disclosure of information

Nothing in this subchapter shall authorize the disclosure of any information or knowledge in any case in which such disclosure is prohibited by any other law of the United States.

(Dec. 20, 1945, ch. 583, § 7, as added Oct. 10, 1949, ch. 660, § 5, 63 Stat. 735, and amended Aug. 10, 1949, ch. 412, § 12(a), 63 Stat. 591.)

CHANGE OF NAME

The National Military Establishment was changed to the Department of Defense by act Aug. 10, 1049.

EX. ORD. NO. 10206. SUPPORT OF PEACEFUL SETTLEMENT OF DISPUTES

Ex. Ord. No. 10206, Jan. 19, 1951, 16 F.R. 529, provided:

By virtue of the authority vested in me by the Constitution and the statutes, including the United Nations Participation Act of 1945 (59 Stat. 619), as amended [this subchapter], hereinafter referred to as the Act, and the act of August 8, 1950 (Public Law 673, 81st Congress) [sections 301 to 303 of Title 3, The President], and as President of the United States, it is hereby ordered as follows:

1. The Secretary of State, upon the request by the United Nations for cooperative action, and to the extent that he finds that it is consistent with the national interest to comply with such request, is authorized, in support of such activities of the United Nations as are specifically directed to the peaceful settlement of disputes and not involving the employment of armed forces contemplated by Chapter VII of the United Nations Charter, to request the Secretary of Defense to detail personnel of the armed forces to the United Nations, and to furnish facilities, services, or other assistance and to loan supplies and equipment to the United Nations in an agreed fair share of the United States under such terms and conditions as the Secretary of State and the Secretary of Defense shall jointly determine and in accordance with and subject to the provisions of paragraphs (1), (2), and (3) of section 7(a) of the Act [subsection (a)(1), (2) and (3) of this section], and the Secretary of Defense is authorized to comply with the request of the Secretary of State, giving due regard to the requirements of the national defense.

2. The Secretary of State, in accordance with and subject to the provisions of section 7(b) of the Act [subsection (b) of this section], shall require reimbursement from the United Nations for the expense thereby incurred by the United States whenever personnel or assistance is made available to the United Nations, except that in exceptional circumstances, or when the Secretary of State finds it to be in the national interest, he may, after consultation with the Secretary of Defense, waive, in whole or in part, the requirement of such reimbursement.

3. The Secretary of Defense, in accordance with and subject to the provisions of section 7(a)(1) of the Act [subsection (a)(1) of this section], may authorize personnel of the armed forces detailed to the United Nations to accept directly from the United Nations (a) any or all of the allowances or perquisites to which they are entitled under the first proviso of section 7(a)(1) of the Act [subsection (a)(1) of this section], and (b) extraordinary expenses and perquisites incident to such detail.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 287d of this title.

§ 287e. Authorization of appropriations; payment of expenses

There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment by the United States of its share of the expenses of the United Nations as apportioned by the General Assembly in accordance with article 17 of the Charter, and for all necessary salaries and expenses of the representatives provided for in section 287 of this title, and of their appropriate staffs, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5; travel expenses without regard to the Standardized Government Travel Regulations, as amended, subchapter I of chapter 57 and section 5731 of title 5 and, under such rules and regulations as the Secretary of State may prescribe, travel expenses of families and transportation of effects of United States representatives and other personnel in going to and returning from their post of duty; allowances for living quarters, including heat, fuel, and light, as authorized by section 5912 of title 5; cost-of-living allowances for personnel stationed abroad under such rules and regulations as the Secretary of State may prescribe; communications services; stenographic reporting, translating, and other services, by contract; hire of passenger motor vehicles and other local transportation; rent of offices; printing and binding without regard to section 501 of title 44; allowances and expenses as provided in section 287r of this title, and allowances and expenses equivalent to those provided in section 1131 of this title; the lease or rental (for periods not exceeding ten years) of living quarters for the use of the representative of the United States to the United Nations referred to in subsection (a) of section 287 of this title, the cost of installation and use of telephones in the same manner as telephone service is provided

for use of the Foreign Service pursuant to section 679 of title 31, and unusual expenses similar to those authorized by section 5913 of title 5, incident to the operation and maintenance of such living quarters; and such other expenses as may be authorized by the Secretary of State; all without regard to section 5 of title 41.

(Dec. 20, 1945, ch. 583, § 8, formerly § 7, 59 Stat. 621, renumbered and amended Oct. 10, 1949, ch. 660, § 6, 63, Stat. 736; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972; Sept. 6, 1960, Pub. L. 86-707, title III, § 311(b), 74 Stat. 797.)

REFERENCES IN TEXT

"Article 17 of the Charter", referred to in the text, is article 17 of the United Nations Charter.

The civil-service laws, referred to in text, are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

CODIFICATION

In the text "chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

"Subchapter I of chapter 57 and section 5731 of title 5" was substituted for "the Travel Expense Act of 1949, and section 10 of the Act of March 3, 1933, as amended [5 U.S.C. 73b]" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted title 5.

"Section 5912 of title 5" and "section 5913 of title 5" were substituted for "the Act approved June 26, 1930 (5 U.S.C. 118a)" and "section 22 of the Administrative Expenses Act of 1946, as amended by section 311 of the Overseas Differentials and Allowances Act [5 U.S.C. 3039]", respectively, on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted title 5.

"Section 501 of title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, section 1 of which enacted Title 44, Public Printing and Documents.

AMENDMENTS

1960—Pub. L. 86-707 substituted "and unusual expenses similar to those authorized by section 5913 of title 5, incident to the operation and maintenance of such living quarters" for "and the allotment of funds, similar to the allotment authorized by section 1132 of this title, for unusual expenses incident to the operation and maintenance of such living quarters, to be accounted for in accordance with section 1133 of this title."

1949—Act Oct. 28, 1949, substituted the "Classification Act of 1949" for the "Classification Act of 1923".

Act Oct. 10, 1949, which renumbered section as section 8 of act Dec. 20, 1945, from section 7, authorized lease or rental, for periods not to exceed 10 years, of a residence for our representative to the United Nations, and clarified references to the civil service and classification laws, subsistence allowances, and travel expense.

REPEALS

Act Oct. 28, 1949, ch. 782, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following Department of State Appropriation Acts:

July 14, 1976, Pub. L. 94-362, title I, § 101, 90 Stat. 938.
Oct. 21, 1975, Pub. L. 94-121, title I, § 101, 89 Stat. 613.
Oct. 5, 1974, Pub. L. 93-433, title I, § 101, 88 Stat. 1188.
Nov. 27, 1973, Pub. L. 93-162, title I, § 101, 87 Stat. 637.
Oct. 25, 1972, Pub. L. 92-544, title I, § 101, 86 Stat. 1110.
Aug. 10, 1971, Pub. L. 92-77, title I, § 101, 85 Stat. 247.
Oct. 21, 1970, Pub. L. 91-472, title I, § 101, 84 Stat. 1041.
Dec. 24, 1969, Pub. L. 91-153, title I, § 101, 83 Stat. 404.
Aug. 9, 1968, Pub. L. 90-470, title I, § 101, 82 Stat. 669.
Nov. 8, 1967, Pub. L. 90-133, title I, § 101, 81 Stat. 412.
Nov. 8, 1966, Pub. L. 89-797, title I, § 101, 80 Stat. 1480.
Sept. 2, 1965, Pub. L. 89-164, title I, § 101, 79 Stat. 621.
Aug. 31, 1964, Pub. L. 88-527, title I, § 101, 78 Stat. 712.
Dec. 30, 1963, Pub. L. 88-245, title I, § 101, 77 Stat. 777.
Oct. 18, 1962, Pub. L. 87-843, title I, § 101, 76 Stat. 1081.
Sept. 21, 1961, Pub. L. 87-264, title I, § 101, 75 Stat. 546.
Aug. 31, 1960, Pub. L. 86-678, title I, § 101, 74 Stat. 557.
July 13, 1959, Pub. L. 86-84, title I, § 101, 73 Stat. 183.
June 30, 1958, Pub. L. 85-474, title I, § 101, 72 Stat. 246.
June 11, 1957, Pub. L. 85-49, title I, § 101, 71 Stat. 56.
June 20, 1956, ch. 414, title I, § 101, 70 Stat. 301.
July 7, 1955, ch. 279, title I, § 101, 69 Stat. 265.
July 2, 1954, ch. 456, title I, § 101, 68 Stat. 414.
Aug. 5, 1953, ch. 328, title I, § 101, 67 Stat. 368.
July 10, 1952, ch. 651, title I, § 101, 66 Stat. 550.
Oct. 22, 1951, ch. 533, title I, § 101, 65 Stat. 577.
Sept. 6, 1950, ch. 896, ch. III, title I, § 101, 64 Stat. 610.
July 20, 1949, ch. 354, title I, § 101, 63 Stat. 450.
June 3, 1948, ch. 400, title I, § 101, 62 Stat. 309.
July 9, 1947, ch. 211, title I, § 101, 61 Stat. 283.
July 5, 1946, ch. 541, title I, § 101, 60 Stat. 453.

LIMIT ON PAYMENTS TO UNITED NATIONS AND AFFILIATED AGENCIES

Pub. L. 92-544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110, as amended by Pub. L. 94-141, title II, § 203, Nov. 29, 1975, 89 Stat. 762, provided that: "After December 31, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization. Appropriations are authorized and contributions and payments may be made to the following organizations and activities notwithstanding that such contributions and payments are in excess of 25 per centum of the total annual assessment of the respective organization or 33⅓ per centum of the budget for the respective activity: the International Atomic Energy Agency, the joint financing program of the International Civil Aviation Organization, and contributions for international peacekeeping activities conducted by or under the auspices of the United Nations or through multilateral agreements."

UNITED STATES ASSESSED CONTRIBUTION TO THE UNITED NATIONS

Pub. L. 92-226, pt. IV, § 410, Feb. 7, 1972, 86 Stat. 36, provided that: "The Congress strongly urges the President to undertake such negotiations as may be necessary to implement that portion of the recommendations of the Report of the President's Commission for

the Observance of the Twenty-fifth Anniversary of the United Nations (known as the 'Lodge Commission') which proposes that the portion of the regular assessed costs to be paid by the United States to the United Nations be reduced so that the United States is assessed in each year not more than 25 per centum of such costs assessed all members of the United Nations for that year."

CROSS REFERENCES

Consent by State Department to contributions to international organizations and reports to Congress, see section 262a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 287d–1, 289b, 2673 of this title.

§ 287e–1. Housing supplement for certain employees assigned to the United States Mission to the United Nations

The President may, under such regulations as he shall prescribe, and notwithstanding section 529 of title 31 and section 5536 of title 5,

(1) grant any employee of the staff of the United States Mission to the United Nations designated by the Secretary of State who is required because of important representational responsibilities to live in the extraordinarily high-rent area immediately surrounding the headquarters of the United Nations in New York, New York, an allowance to compensate for the portion of expenses necessarily incurred by the employee for quarters and utilities which exceed the average of such expenses necessarily incurred by the employee for quarters and utilities which exceed the average of such expenses incurred by typical, permanent residents of the Metropolitan New York, New York, area with comparable salary and family size who are not compelled by reason of their employment to live in such high-rent area; and

(2) provide such allowance as the President considers appropriate, to each Delegate and Alternate Delegate of the United States to any session of the General Assembly of the United Nations who is not a permanent member of the staff of the United States Mission to the United Nations, in order to compensate each such Delegate or Alternate Delegate for necessary housing and subsistence expenses incurred by him with respect to attending any such session.

Not more than forty-five employees shall be receiving an allowance under paragraph (1) of this section at any one time.

(Dec. 20, 1945, ch. 583, § 9, as added Oct. 18, 1973, Pub. L. 93–126, § 15, 87 Stat. 454.)

DELEGATION OF FUNCTIONS

Authority of the President under this section delegated to the Secretary of State, see section 4(b) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, as amended by Ex. Ord. No. 11779, Apr. 22, 1974, 39 F.R. 14185, set out as a note under section 301 of Title 3, The President.

§ 287f. Omitted

CODIFICATION

Section, act Oct. 22, 1951, ch. 533, title I, § 101, 65 Stat. 577, which authorized the Department of State to acquire surplus property for the United Nations and authorized the reduction of the United States contribution to the United Nations by the value of the property acquired and expenses incidental thereto, was from the Department of State Appropriation Act, 1952, and was not repeated in subsequent appropriation acts.

§ 287g. Authorization of appropriations for loan to United Nations; restrictions on use of proceeds of loan

There is hereby authorized to be appropriated to the President, without fiscal-year limitation, out of any money in the Treasury not otherwise appropriated, $100,000,000 for a loan to the United Nations. The proceeds of such loan shall not be used to relieve members of the United Nations of their obligation to pay arrearages on payments of any United Nations assessments, and shall not be used to reduce regular or special assessments against any such members.

(Pub. L. 87–731, § 1, Oct. 2, 1962, 76 Stat. 695.)

CODIFICATION

Section was not enacted as part of act Dec. 20, 1945, ch. 583, 59 Stat. 619, known as the United Nations Participation Act of 1945, which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 287h, 287i of this title.

§ 287h. Limitation on loan

The total amount of money that may be loaned to the United Nations pursuant to the authorization contained in section 287g of this title shall not exceed the aggregate amount of loans made by other nations.

(Pub. L. 87–731, § 2, Oct. 2, 1962, 76 Stat. 695.)

CODIFICATION

Section was not enacted as part of act Dec. 20, 1945, ch. 583, 59 Stat. 619, known as the United Nations Participation Act of 1945, which comprises this subchapter.

§ 287i. Deduction of principal and interest from annual payment of assessed share of United States of budget

There shall be deducted from the annual payment of the assessed share of the United States of the budget of the United Nations an amount equal to the corresponding annual installment of principal and interest due to the United States on account of the loan made pursuant to section 287g of this title.

(Pub. L. 87–731, § 3, Oct. 2, 1962, 76 Stat. 696.)

CODIFICATION

Section was not enacted as part of act Dec. 20, 1945, ch. 583, 59 Stat. 619, known as the United Nations Participation Act of 1945, which comprises this subchapter.

§ 287j. Participation in future United Nations borrowing; promotion of pattern of financing to avoid future large-scale deficits; report to Congress

Nothing herein shall be regarded as authorizing the United States to participate in any future United Nations borrowing. It is the sense of the Congress that the United States shall use its best efforts to promote a pattern of

United Nations financing (including a vigorous program for collection of delinquencies on annual assessments of nations and maintenance of such annual assessments on a current basis) that will avoid any future large-scale deficits.

(Pub. L. 87-731, § 4, Oct. 2, 1962, 76 Stat. 696.)

CODIFICATION

Section originally contained a provision instructing the Department of State to submit to the Congress, not later than Jan. 31, 1963, a report on steps taken in the 17th Session of the General Assembly of the United Nations on long term financing of the United Nations which was omitted as executed.

§ 287k. Congressional expression of satisfaction that expenditures relating to operations in Middle East and in the Congo are "expenses of the Organization"

The Congress expresses its satisfaction that the International Court of Justice has decided that the expenditures authorized in resolutions of the United Nations General Assembly relating to operations in the Middle East and in the Congo are "expenses of the Organization" within the meaning of the United Nations Charter, thereby providing a sound basis for obtaining prompt payment of assessments for such expenditures by making them obligations of all members of the United Nations.

(Pub. L. 87-731, § 5, Oct. 2, 1962, 76 Stat. 696.)

§ 287*l*. Congressional declaration that United Nations take steps to give effect to advisory opinion of International Court of Justice on financial obligations of members

It is the sense of the Congress that the United Nations should take immediate steps to give effect to the advisory opinion of the International Court of Justice on the financial obligations of members of the United Nations in order to assure prompt payment of all assessments, including assessments to cover the cost of operations to maintain or restore international peace and security.

(Pub. L. 87-731, § 6, Oct. 2, 1962, 76 Stat. 696.)

SUBCHAPTER XVII—UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 272a, 280b, 280i, 280k, 290b of this title.

§ 287m. Acceptance of membership by the United States

The President is hereby authorized to accept membership for the United States in the United Nations Educational, Scientific, and Cultural Organization (hereinafter referred to as the "Organization"), the constitution of which was approved in London on November 16, 1945, by the United Nations Conference for the establishment of an Educational, Scientific, and Cultural Organization, and deposited in the Archives of the Government of the United Kingdom.

(July 30, 1946, ch. 700, § 1, 60 Stat. 712.)

CONSTITUTION OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

THE GOVERNMENTS OF THE STATES PARTIES TO THIS CONSTITUTION ON BEHALF OF THEIR PEOPLES DECLARE

that since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed;

that ignorance of each other's ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war;

that the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races;

that the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfill in a spirit of mutual assistance and concern;

that a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.

FOR THESE REASONS,

the States parties to this Constitution, believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives;

IN CONSEQUENCE WHEREOF

they do hereby create the United Nations Educational, Scientific and Cultural Organisation for the purpose of advancing, through the educational and scientific and cultural relations of the peoples of the world, the objectives of international peace and of the common welfare of mankind for which the United Nations Organisation was established and which its Charter proclaims.

ARTICLE I.

Purposes and Functions

1. The purpose of the Organisation is to contribute to peace and security by promoting collaboration among the nations through education, science, and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.

2. To realise this purpose the Organisation will:

(*a*) collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image;

(*b*) give fresh impulse to popular education and to the spread of culture;

by collaborating with Members, at their request, in the development of educational activities; by instituting collaboration among the nations to advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social;

by suggesting educational methods best suited to prepare the children of the world for the responsibilities of freedom;

(c) maintain, increase and diffuse knowledge;

by assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions;

by encouraging cooperation among the nations in all branches of intellectual activity, including the international exchange of persons active in the fields of education, science and culture and the exchange of publications, objects of artistic and scientific interest and other materials of information;

by initiating methods of international cooperation calculated to give the people of all countries access to the printed and published materials produced by any of them.

3. With a view to preserving the independence, integrity and fruitful diversity of the cultures and educational systems of the States Members of this Organisation, the Organisation is prohibited from intervening in matters which are essentially within their domestic jurisdiction.

ARTICLE II.

Membership

1. Membership of the United Nations Organisation shall carry with it the right to membership of the United Nations Educational, Scientific and Cultural Organisation.

2. Subject to the conditions of the agreement between this Organisation and the United Nations Organisation, approved pursuant to Article X of this Constitution, States not members of the United Nations Organisation may be admitted to membership of the Organisation, upon recommendation of the Executive Board, by a two-thirds majority vote of the General Conference.

3. Members of the Organisation which are suspended from the exercise of the rights and privileges of membership of the United Nations Organisation shall, upon the request of the latter, be suspended from the rights and privileges of this Organisation.

4. Members of the Organisation which are expelled from the United Nations Organisation shall automatically cease to be members of this Organisation.

ARTICLE III.

Organs

The Organisation shall include a General Conference, an Executive Board and a Secretariat.

ARTICLE IV.

The General Conference

A. Composition.

1. The General Conference shall consist of the representatives of the States Members of the Organisation. The Government of each Member State shall appoint not more than five delegates, who shall be selected after consultation with the National Commission, if established, or with educational, scientific and cultural bodies.

B. Functions

2. The General Conference shall determine the policies and the main lines of work of the Organisation. It shall take decisions on programmes drawn up by the Executive Board.

3. The General Conference shall, when it deems it desirable, summon international conferences on education, the sciences and humanities and the dissemination of knowledge.

4. The General Conference shall, in adopting proposals for submission to the Member States, distinguish between recommendations and international conventions submitted for their approval. In the former case a majority vote shall suffice; in the latter case a two-thirds majority shall be required. Each of the Member States shall submit recommendations or conventions to its competent authorities within a period of one year from the close of the session of the General Conference at which they were adopted.

5. The General Conference shall advise the United Nations Organisation on the educational, scientific and cultural aspects of matters of concern to the latter, in accordance with the terms and procedure agreed upon between the appropriate authorities of the two Organisations.

6. The General Conference shall receive and consider the reports submitted periodically by Member States as provided by Article VIII.

7. The General Conference shall elect the members of the Executive Board and, on the recommendation of the Board, shall appoint the Director-General.

C. Voting

8. Each Member State shall have one vote in the General Conference. Decisions shall be made by a simple majority except in cases in which a two-thirds majority is required by the provisions of this Constitution. A majority shall be a majority of the Members present and voting.

D. Procedure

9. The General Conference shall meet annually in ordinary session; it may meet in extraordinary session on the call of the Executive Board. At each session the location of its next session shall be designated by the General Conference and shall vary from year to year.

10. The General Conference shall, at each session, elect a President and other officers and adopt rules of procedure.

11. The General Conference shall set up special and technical committees and such other subordinate bodies as may be necessary for its purposes.

12. The General Conference shall cause arrangements to be made for public access to meetings, subject to such regulations as it shall prescribe.

E. Observers

13. The General Conference, on the recommendation of the Executive Board and by a two-thirds majority may, subject to its rules of procedure, invite as observers at specified sessions of the Conference or of its commissions representatives of international organisations, such as those referred to in Article XI, paragraph 4.

ARTICLE V.

Executive Board

A. Composition

1. The Executive Board shall consist of eighteen members elected by the General Conference from among the delegates appointed by the Member States, together with the President of the Conference who shall sit *ex officio* in an advisory capacity.

2. In electing the members of the Executive Board the General Conference shall endeavour to include persons competent in the arts, the humanities, the sciences, education and the diffusion of ideas, and qualified by their experience and capacity to fulfill the administrative and executive duties of the Board. It shall also have regard to the diversity of cultures and a balanced geographical distribution. Not more than one national of any Member State shall serve on the Board at any one time, the President of the Conference excepted.

3. The elected members of the Executive Board shall serve for a term of three years, and shall be immediately eligible for a second term, but shall not serve consecutively for more than two terms. At the first election eighteen members shall be elected of whom one third shall retire at the end of the first year and one third at the end of the second year, the order of retirement being determined immediately after the election by the drawing of lots. Thereafter six members shall be elected each year.

4. In the event of the death or resignation of one of its members, the Executive Board shall appoint, from among the delegates of the Member State concerned,

a substitute, who shall serve until the next session of the General Conference which shall elect a member for the remainder of the term.

B. Functions

5. The Executive Board, acting under the authority of the General Conference, shall be responsible for the execution of the programme adopted by the Conference and shall prepare its agenda and programme of work.

6. The Executive Board shall recommend to the General Conference the admission of new Members to the Organisation.

7. Subject to decisions of the General Conference, the Executive Board shall adopt its own rules of procedure. It shall elect its officers from among its members.

8. The Executive Board shall meet in regular session at least twice a year and may meet in special session if convoked by the Chairman on his own initiative or upon the request of six members of the Board.

9. The Chairman of the Executive Board shall present to the General Conference, with or without comment, the annual report of the Director-General on the activities of the Organisation, which shall have been previously submitted to the Board.

10. The Executive Board shall make all necessary arrangements to consult the representatives of international organisations or qualified persons concerned with questions within its competence.

11. The members of the Executive Board shall exercise the powers delegated to them by the General Conference on behalf of the Conference as a whole and not as representatives of their respective Governments.

ARTICLE VI.

Secretariat

1. The Secretariat shall consist of a Director-General and such staff as may be required.

2. The Director-General shall be nominated by the Executive Board and appointed by the General Conference for a period of six years, under such conditions as the Conference may approve, and shall be eligible for re-appointment. He shall be the chief administrative officer of the Organisation.

3. The Director-General, or a deputy designated by him, shall participate, without the right to vote, in all meetings of the General Conference, of the Executive Board, and of the committees of the Organisation. He shall formulate proposals for appropriate action by the Conference and the Board.

4. The Director-General shall appoint the staff of the Secretariat in accordance with staff regulations to be approved by the General Conference. Subject to the paramount consideration of securing the highest standards of integrity, efficiency and technical competence, appointment to the staff shall be on as wide a geographical basis as possible.

5. The responsibilities of the Director-General and of the staff shall be exclusively international in character. In the discharge of their duties they shall not seek or receive instructions from any government or from any authority external to the Organisation. They shall refrain from any action which might prejudice their position as international officials. Each State Member of the Organisation undertakes to respect the international character of the responsibilities of the Director-General and the staff, and not to seek to influence them in the discharge of their duties.

6. Nothing in this Article shall preclude the Organisation from entering into special arrangements within the United Nations Organisation for common services and staff and for the interchange of personnel.

ARTICLE VII.

National Co-operating Bodies

1. Each Member State shall make such arrangements as suit its particular conditions for the purpose of associating its principal bodies interested in educational, scientific and cultural matters with the work of the Organisation, preferably by the formation of a National Commission broadly representative of the Government and such bodies.

2. National Commissions or national co-operating bodies, where they exist, shall act in an advisory capacity to their respective delegations to the General Conference and to their Governments in matters relating to the Organisation and shall function as agencies of liaison in all matters of interest to it.

3. The Organisation may, on the request of a Member State delegate, either temporarily or permanently, a member of its Secretariat to serve on the National Commission of that State, in order to assist in the development of its work.

ARTICLE VIII.

Reports by Member States

Each Member State shall report periodically to the Organisation, in a manner to be determined by the General Conference, on its laws, regulations and statistics relating to educational, scientific and cultural life and institutions, and on the action taken upon the recommendations and conventions referred to in Article IV, paragraph 4.

ARTICLE IX.

Budget

1. The budget shall be administered by the Organisation.

2. The General Conference shall approve and give final effect to the budget and to the apportionment of financial responsibility among the States Members of the Organisation subject to such arrangement with the United Nations as may be provided in the agreement to be entered into pursuant to Article X.

3. The Director-General, with the approval of the Executive Board, may receive gifts, bequests, and subventions directly from governments, public and private institutions, associations and private persons.

ARTICLE X.

Relations with the United Nations Organisation

This Organisation shall be brought into relation with the United Nations Organisation, as soon as practicable, as one of the specialised agencies referred to in Article 57 of the Charter of the United Nations. This relationship shall be effected through an agreement with the United Nations Organisation under Article 63 of the Charter, which agreement shall be subject to the approval of the General Conference of this Organisation. The agreement shall provide for effective co-operation between the two Organisations in the pursuit of their common purposes, and at the same time shall recognise the autonomy of this Organisation, within the fields of its competence as defined in this Constitution. Such agreement may, among other matters, provide for the approval and financing of the budget of the Organisation by the General Assembly of the United Nations.

ARTICLE XI.

Relations with Other Specialized International Organisations and Agencies

1. This Organisation may co-operate with other specialised inter-governmental organisations and agencies whose interests and activities are related to its purposes. To this end the Director-General, acting under the general authority of the Executive Board, may establish effective working relationships with such organisations and agencies and establish such joint committees as may be necessary to assure effective co-operation. Any formal arrangements entered into with such organisations or agencies shall be subject to the approval of the Executive Board.

2. Whenever the General Conference of this Organisation and the competent authorities of any other specialised inter-governmental organisations or agencies whose purposes and functions lie within the compe-

tence of this Organisation, deem it desirable to effect a transfer of their resources and activities to this Organisation, the Director-General, subject to the approval of the Conference, may enter into mutually acceptable arrangements for its purpose.

3. This Organisation may make appropriate arrangements with other inter-governmental organisations for reciprocal representation at meetings.

4. The United Nations Educational, Scientific and Cultural Organisation may make suitable arrangements for consultation and co-operation with non-governmental international organisations concerned with matters within its competence and may invite them to undertake specific tasks. Such co-operation may also include appropriate participation by representatives of such organizations on advisory committees set up by the General Conference.

ARTICLE XII.

Legal status of the Organisation

The provisions of Articles 104 and 105 of the Charter of the United Nations Organisation concerning the legal status of that Organisation, its privileges and immunities shall apply in the same way to this Organisation.

ARTICLE XIII.

Amendments

1. Proposals for amendments to this Constitution shall become effective upon receiving the approval of the General Conference by a two-thirds majority; provided, however, that those amendments which involve fundamental alterations in the aims of the Organisation or new obligations for the Member States shall require subsequent acceptance on the part of two-thirds of the Member States before they come into force. The draft texts of proposed amendments shall be communicated by the Director-General to the Member States at least six months in advance of their consideration by the General Conference.

2. The General Conference shall have power to adopt by a two-thirds majority rules of procedure for carrying out the provisions of this Article.

ARTICLE XIV.

Interpretation

1. The English and French texts of this Constitution shall be regarded as equally authoritative.

2. Any question or dispute concerning the interpretation of this Constitution shall be referred for determination to the International Court of Justice or to an arbitral tribunal, as the General Conference may determine under its rules of procedure.

ARTICLE XV.

Entry into force

1. This Constitution shall be subject to acceptance. The instruments of acceptance shall be deposited with the Government of the United Kingdom.

2. This Constitution shall remain open for signature in the archives of the Government of the United Kingdom. Signature may take place either before or after the deposit of the instrument of acceptance. No acceptance shall be valid unless preceded or followed by signature.

3. This Constitution shall come into force when it has been accepted by twenty of its signatories. Subsequent acceptances shall take effect immediately.

4. The Government of the United Kingdom will inform all members of the United Nations of the receipt of all instruments of acceptance and of the date on which the Constitution comes into force in accordance with the preceding paragraph.

In faith whereof, the undersigned, duly authorised to that effect, have signed this Constitution in the English and French languages, both texts being equally authentic.

Done in London the sixteenth day of November, 1945 in a single copy, in the English and French languages, of which certified copies will be communicated by the Government of the United Kingdom to the Governments of all the Members of the United Nations.

[Here follow the signatures of the heads of the delegations.]

§ 287n. Representatives in General Conference; number; citizenship; compensation

The President by and with the consent of the Senate shall designate from time to time to attend a specified session or specified sessions of the General Conference of the Organization not to exceed five representatives of the United States and such number of alternates not to exceed five as he may determine consistent with the rules of procedure of the General Conference: *Provided, however,* That each such representative and each such alternate must be an American citizen. One of the representatives shall be designated as the senior representative. Such representatives and alternates shall each be entitled to receive compensation at such rates provided for Foreign Service officers in the schedule contained in section 867 of this title, as the President may determine, for such periods as the President may specify, except that no Member of the Senate or House of Representatives or officer of the United States who is designated under this section as a representative of the United States or as an alternate to attend any specified session or specified sessions of the General Conference shall be entitled to receive such compensation. Whenever a representative of the United States is elected by the General Conference to serve on the Executive Board, or is elected President of the General Conference and thus becomes an ex officio adviser to the Executive Board, under provision of article V of the constitution of the Organization, the President may extend the above provisions for compensation to such representative during periods of service in connection with the Executive Board.

(July 30, 1946, ch. 700, § 2, 60 Stat. 712; July 31, 1956, ch. 804, title I, § 112, 70 Stat. 740; Aug. 14, 1964, Pub. L. 88-426, title III, §§ 305(1), 306(g), 78 Stat. 422, 430.)

REFERENCES IN TEXT

Article V of the constitution of the Organization, referred to in text, is article V of the Constitution of the United Nations Educational, Scientific, and Cultural Organization, which is set out as a note under section 287m of this title.

AMENDMENTS

1964—Pub. L. 88-426, § 306(g), substituted provisions permitting payment of compensation at such rates provided for Foreign Service officers in the schedule contained in section 867 of this title for provisions which limited compensation at not more than $15,000 per annum.

1956—Act July 31, 1956, increased the maximum compensation of representatives and alternatives from $12,000 to $15,000.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

REPEALS

Act July 31, 1956, ch. 804, title I, § 112, 70 Stat. 740, which amended this section to increase the maximum compensation of representatives and alternates, was repealed by section 305(1) of Pub. L. 88-426.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 287r of this title.

§ 287o. National Commission on Educational, Scientific, and Cultural Cooperation; membership; meetings; expenses

In fulfillment of article VII of the constitution of the Organization, the Secretary of State shall cause to be organized a National Commission on Educational, Scientific, and Cultural Corporation[1] of not to exceed one hundred members. Such Commission shall be appointed by the Secretary of State and shall consist of (a) not more than sixty representatives of principal national, voluntary organizations interested in educational, scientific, and cultural matters; and (b) not more than forty outstanding persons selected by the Secretary of State, including not more than ten persons holding office under or employed by the Government of the United States, not more than fifteen representatives of the educational, scientific, and cultural interests of State and local governments, and not more than fifteen persons chosen at large. The Secretary of State is authorized to name in the first instance fifty of the principal national voluntary organizations, each of which shall be invited to designate one representative for appointment to the National Commission. Thereafter, the National Commission shall periodically review and, if deemed advisable, revise the list of such organizations designating representatives in order to achieve a desirable rotation among organizations represented. To constitute the initial Commission, one-third of the members shall be appointed to serve for a term of one year, one-third for a term of two years, and one-third or the remainder thereof for a term of three years; from thence on following, all members shall be appointed for a term of three years each, but no member shall serve more than two consecutive terms. The National Commission shall meet at least once annually. The National Commission shall designate from among its members an executive committee, and may designate such other committees as may prove necessary, to consult with the Department of State and to perform such other functions as the National Commission shall delegate to them. No member of the National Commission shall be allowed any salary or other compensation for services: *Provided, however,* That he may be paid transportation and other expenses as authorized by section 5703 of title 5. The Department of State is authorized to provide the necessary secretariat for the Commission.

(July 30, 1946, ch. 700, § 3, 60 Stat. 713; Aug. 14, 1961, Pub. L. 87-139, § 9, 75 Stat. 341.)

REFERENCES IN TEXT

Article VII of the constitution of the Organization, referred to in text, is article VII of the Constitution of the United Nations Educational, Scientific, and Cultural Organization, which is set out as a note under section 287m of this title.

CODIFICATION

"Section 5703 of title 5" was substituted for "section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1961—Pub. L. 87-139 substituted provisions for payment of transportation and other expenses as authorized by section 5703 of title 5, for provisions authorizing payment of actual transportation expenses plus a $10 maximum per diem.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 287r of this title.

§ 287p. Citizenship of members

Each such member of the National Commission must be an American citizen.

(July 30, 1946, ch. 700, § 4, 60 Stat. 713.)

§ 287q. General and special conferences; expenses; acceptance of services and gifts or bequests of money or materials

The National Commission shall call general conferences for the discussion of matters relating to the activities of the Organization, to which conferences organized bodies actively interested in such matters shall be invited to send representatives: *Provided, however,* That the travel and maintenance of such representation shall be without expense to the Government. Such general conferences shall be held annually or biennially, as the National Commission may determine, and in such places as it may designate. They shall be attended so far as possible by the members of the National Commission and by the delegates of the United States to the General Conference of the Organization. The National Commission is further authorized to call special conferences of experts for the consideration of specific matters relating to the Organization by persons of specialized competences. The Department of State may pay their transportation and other expenses as authorized by section 5703 of title 5, for the period of actual attendance and of necessary travel. The National Commission is further authorized to receive and accept services and gifts or bequests of money or materials to carry out any of the educational, scientific, or cultural purposes of the National Commission as set forth in this subchapter and in the constitution of the Organization. Any money so received shall be held by the Secretary of State and shall be subject to disbursement through the disbursement facilities of the Treasury Department as the terms of the gift or bequest may require and shall remain available for expenditure by grant or otherwise until expended: *Provided,* That no such gift or bequest may be accepted or disbursed if the terms thereof are inconsistent with the purposes of the National Commission as set forth in this subchapter and in the constitution of the Organization. In no event shall the National Commission accept gifts or bequests in excess of $200,000 in the aggregate in

[1] So in original. Probably should be "Cooperation".

any one year. Gifts or bequests provided for herein shall, for the purposes of Federal income, estate, and gift taxes, be deemed to be a gift to or for the United States. The National Commission and Secretary of State shall submit to Congress annual reports of receipts and expenditures of funds and bequests received and disbursed pursuant to the provisions of this section.

(July 30, 1946, ch. 700, § 5, 60 Stat. 713; June 30, 1958, Pub. L. 85-477, ch. V, § 502(e), 72 Stat. 273; Aug. 14, 1961, Pub. L. 87-139, § 10, 75 Stat. 341.)

REFERENCES IN TEXT

The constitution of the Organization, referred to in text, is the Constitution of the United Nations Educational, Scientific, and Cultural Organization, which is set out as a note under section 287m of this title.

CODIFICATION

"Section 5703 of title 5" was substituted for "section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

REPORT OF NATIONAL COMMISSION AND SECRETARY

Pub. L. 89-348, § 1(21), Nov. 8, 1965, 79 Stat. 1311, repealed provisions of this section which required an annual report to the Congress by the National Commission on Educational, Scientific, and Cultural Cooperation and the Secretary of State of the receipts and expenditures of funds and bequests received and disbursed in connection with the United Nations Educational, Scientific, and Cultural Organization.

AMENDMENTS

1961—Pub. L. 87-139 substituted provisions authorizing payment of transportation and other expenses of attending experts as authorized by section 5703 of title 5, for provisions which allowed the experts $10 per diem plus actual transportation expenses.

1958—Pub. L. 85-477 authorized the National Commission to receive and accept services and gifts or bequests of money or materials.

§ 287r. Authorization of appropriations; payment of expenses

There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated such sums as may be necessary for the payment by the United States of its share of the expenses of the Organization as apportioned by the General Conference of the Organization in accordance with article IX of the constitution of the Organization, and such additional sums as may be necessary to pay the expenses of participation by the United States in the activities of the Organization, including: (a) salaries of the representatives provided for in section 287n of this title, of their appropriate staffs, and of members of the secretariat of the National Commission provided for in section 287o of this title, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5; (b) travel expenses without regard to the Standardized Government Travel Regulations, as amended, the Subsistence Expense Act of 1926, as amended, and section 5731 of title 5, and, under such rules and regulations as the Secretary of State may prescribe, travel expenses of families and transportation of effects of United States representatives and other personnel in going to and returning from their post of duty; (c) allowances for living quarters, including heat, fuel, and light, as authorized by section 5912 of title 5; (d) cost of living allowances under such rules and regulations as the Secretary of State may prescribe, including allowances to persons temporarily stationed abroad; (e) communication services; (f) stenographic reporting, translating, and other services, by contract, if deemed necessary, without regard to section 5 of title 41; (g) local transportation; (h) equipment; (i) transportation of things; (j) rent of offices; (k) printing and binding without regard to section 501 of title 44 and section 5 of title 41; (*l*) official entertainment; (m) stationery; (n) purchase of newspapers, periodicals, books, and documents; and (o) such other expenses as may be authorized by the Secretary of State.

(July 30, 1946, ch. 700, § 6, 60 Stat. 714; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972.)

REFERENCES IN TEXT

Article IX of the constitution of the Organization, referred to in text, is article IX of the constitution of the United Nations Educational, Scientific, and Cultural Organization, which is set out as a note under section 287m of this title.

The civil-service laws, referred to in clause (a), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

The Subsistence Expenses Act of 1926, as amended, referred to in clause (b), was repealed and superseded by the Travel Expense Act of 1949, which is now covered by subchapter I of chapter 57 of Title 5. Section 9(a) of the 1949 Act provided in part: "All Acts . . . applicable to civilian officers or employees of the departments and establishments, providing for reimbursement of actual travel or transportation expense, and all other Acts, general or special, which are in conflict with the provisions of this Act . . . are hereby modified, but only to the extent of inconsistency or conflict with the provisions of this Act . . ."

CODIFICATION

In clause (a), "chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949" on authority of sec. 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

In clauses (b) and (c), "section 5731 of title 5" and "section 5912 of title 5" were substituted for "section 10 of the Act of March 3, 1933 (U.S.C., title 5, sec. 73b)" and "the Act approved June 26, 1930 (U.S.C., title 5, sec. 118a)", respectively, on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted title 5.

In clause (k), "section 501 of title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, section 1 of which enacted Title 44, Public Printing and Documents.

AMENDMENTS

1949—Act Oct. 28, 1949, substituted the "Classification Act of 1949" for the "Classification Act of 1923".

REPEALS

Act Oct. 28, 1949, ch. 782, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

ANNUAL APPROPRIATIONS

Annual appropriations were contained in the following Department of State Appropriation Acts:
July 14, 1976, Pub. L. 94-362, title I, § 101, 90 Stat. 938.
Oct. 21, 1975, Pub. L. 94-121, title I, § 101, 89 Stat. 613.
Oct. 5, 1974, Pub. L. 93-433, title I, § 101, 88 Stat. 1188.
Nov. 27, 1973, Pub. L. 93-162, title I, § 101, 87 Stat. 637.
Oct. 25, 1972, Pub. L. 92-544, title I, § 101, 86 Stat. 1110.
Aug. 10, 1971, Pub. L. 92-77, title I, § 101, 85 Stat. 247.
Oct. 21, 1970, Pub. L. 91-472, title I, § 101, 84 Stat. 1044.
Dec. 24, 1969, Pub. L. 91-153, title I, § 101, 83 Stat. 404.
Aug. 9, 1968, Pub. L. 90-470, title I, § 101, 82 Stat. 669.
Nov. 8, 1967, Pub. L. 90-133, title I, § 101, 81 Stat. 412.
Nov. 8, 1966, Pub. L. 89-797, title I, § 101, 80 Stat. 1480.
Sept. 2, 1965, Pub. L. 89-164, title I, § 101, 79 Stat. 621.
Aug. 31, 1964, Pub. L. 88-527, title I, § 101, 78 Stat. 712.
Dec. 30, 1963, Pub. L. 88-245, title I, § 101, 77 Stat. 777.
Oct. 18, 1962, Pub. L. 87-843, title I, § 101, 76 Stat. 1081.
Sept. 21, 1961, Pub. L. 87-264, title I, § 101, 75 Stat. 546.
Aug. 31, 1960, Pub. L. 86-678, title I, § 101, 74 Stat. 557.
July 13, 1959, Pub. L. 86-84, title I, § 101, 73 Stat. 183.
June 30, 1958, Pub. L. 85-474, title I, § 101, 72 Stat. 246.
June 11, 1957, Pub. L. 85-49, title I, § 101, 71 Stat. 56.
June 20, 1956, ch. 414, title I, § 101, 70 Stat. 301.
July 7, 1955, ch. 279, title I, § 101, 69 Stat. 265.
July 2, 1954, ch. 456, title I, § 101, 68 Stat. 414.
Aug. 5, 1953, ch. 328, title I, § 101, 67 Stat. 368.
July 10, 1952, ch. 651, title I, § 101, 66 Stat. 550.
Oct. 22, 1951, ch. 533, title I, § 101, 65 Stat. 577.
Sept. 6, 1950, ch. 896, ch. III, title I, § 101, 64 Stat. 610.
July 20, 1949, ch. 354, title I, § 101, 63 Stat. 450.
June 3, 1948, ch. 400, title I, § 101, 62 Stat. 309.
July 9, 1947, ch. 211, title I, § 101, 61 Stat. 283.

CROSS REFERENCES

Consent by State Department to contributions to international organizations and reports to Congress, see section 262a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 272a, 280b, 280i, 280k, 287e, 290b, 1928 of this title.

§ 287s. Amendments to constitution of Organization involving new obligations

Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States approve any amendment under article XIII of the constitution of the Organization involving any new obligation for the United States.

(July 30, 1946, ch. 700, § 7, 60 Stat. 714.)

REFERENCES IN TEXT

Article XIII of the constitution of the organization, referred to in text, is article XIII of the constitution of the United Nations Educational, Scientific, and Cultural Organization, which is set out as a note under section 287m of this title.

§ 287t. Prohibition against disclosure of information or knowledge

In adopting this subchapter, it is the understanding of the Congress that the constitution of the Organization does not require, nor does this subchapter authorize, the disclosure of any information or knowledge in any case in which such disclosure is prohibited by any law of the United States.

(July 30, 1946, ch. 700, § 8, 60 Stat. 714.)

REFERENCES IN TEXT

The constitution of the Organization, referred to in text, is the constitution of the United Nations Educational, Scientific, and Cultural Organization, which is set out as a note under section 287m of this title.

SUBCHAPTER XVIII—PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANIZATIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 8 section 1101, 1184; title 26 sections 414, 7701; title 28 section 1511; title 29 sections 1002, 1321; title 42 section 410.

SUBCHAPTER REFERRED TO IN D.C. CODE

This subchapter is referred to in section 46-301 of the District of Columbia Code.

§ 288. Definition of "international organization"; authority of President

For the purposes of this subchapter, the term "international organization" means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities provided in this subchapter. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this subchapter (including the amendments made by this subchapter) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities provided in this subchapter or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this subchapter.

(Dec. 29, 1945, ch. 652, title I, § 1, 59 Stat. 669.)

REFERENCES IN TEXT

"This subchapter", referred to in text, was in the original, "this title", meaning title I of act Dec. 29, 1945, ch. 652, 59 Stat. 669, which enacted this subchapter and section 409 of Title 42, The Public Health and Welfare, and amended section 215 of Title 8, Aliens and Nationality, and sections 116, 1607, 1621, 3466, 3469, 3475, and 3797 of the Internal Revenue Code of 1939. For complete classification of Title I to the Code, see Short Title note set out under this section and Tables volume.

SHORT TITLE

Section 10 of act Dec. 29, 1945, provided that: "This title [enacting this subchapter and section 409 of Title 42, The Public Health and Welfare, and amending section 215 of Title 8, Aliens and Nationality, and sections 116, 1607, 1621, 3466, 3469, 3475, and 3797 of Internal Revenue Code, 1939] may be cited as the 'International Organizations Immunities Act'."

ADMINISTRATIVE SUPPLIES FOR INTERNATIONAL ORGANIZATIONS

Act Aug. 4, 1947, ch. 479, 61 Stat. 752, provided for the procurement and furnishing of administrative supplies by the Treasury Department to international organizations until July 1, 1948. This act was popularly known as the "International Organizations Procurement Act of 1947."

PUBLIC INTERNATIONAL ORGANIZATIONS ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

Ex. Ord. No. 9698, Feb. 19, 1946, 11 F.R. 1809; Ex. Ord. No. 9751, July 11, 1946, 11 F.R. 7713; Ex. Ord. No. 9823, Jan. 24, 1947, 12 F.R. 551; Ex. Ord. No. 9863, May 31, 1947, 12 F.R. 3559; Ex. Ord. No. 9911, Dec. 19, 1947, 12 F.R. 8719; Ex. Ord. No. 9972, June 25, 1948, 13 F.R. 3573; Ex. Ord. No. 10025, Dec. 30, 1948, 13 F.R. 9361; Ex. Ord. No. 10086, Nov. 25, 1949, 14 F.R. 7147; Ex. Ord. No. 10228, Mar. 26, 1951, 16 F.R. 2676; Ex. Ord. No. 10533, June 3, 1954, 19 F.R. 3289, Ex. Ord. No. 10676, Sept. 1, 1956, 21 F.R. 6625; Ex. Ord. No. 10680, Oct. 2, 1956, 21 F.R. 7647; Ex. Ord. No. 10727, Aug. 31, 1957, 22 F.R. 7099; Ex. Ord. No. 10769, May 29, 1958, 23 F.R. 3801; Ex. Ord. No. 10795, Dec. 13, 1958, 23 F.R. 9709; Ex. Ord. No. 10864, Feb. 18, 1960, 25 F.R. 1507; Ex. Ord. No. 10866, Feb. 20, 1960, 25 F.R. 1584; Ex. Ord. No. 10873, Apr. 8, 1960, 25 F.R. 3097; Ex. Ord. No. 10943, May 19, 1961, 26 F.R. 4419; Ex. Ord. No. 10983, Dec. 30, 1961, 27 F.R. 32; Ex. Ord. No. 11059, Oct. 23, 1962, 27 F.R. 10405; Ex. Ord. No. 11225, May 22, 1965, 30 F.R. 7093; Ex. Ord. No. 11227, June 2, 1965, 30 F.R. 7369; Ex. Ord. No. 11277, Apr. 30, 1966, 31 F.R. 6609; Ex. Ord. No. 11283, May 27, 1966, 31 F.R. 7667; Ex. Ord. No. 11318, Dec. 5, 1966, 31 F.R. 15307; Ex. Ord. No. 11334, Mar. 7, 1967, 32 F.R. 3933; Ex. Ord. No. 11351, May 24, 1967, 32 F.R. 7511; Ex. Ord. No. 11363, July 20, 1967, 32 F.R. 10779; Ex. Ord. No. 11372, Sept. 8, 1967, 32 F.R. 13251; Ex. Ord. No. 11484, Sept. 29, 1969, 34 F.R. 15337; Ex. Ord. No. 11596, June 5, 1971, 36 F.R. 11079; Ex. Ord. No. 11718, May 14, 1973, 38 F.R. 12797; Ex. Ord. No. 11760, Jan. 17, 1974, 39 F.R. 2343; Ex. Ord. No. 11767, Feb. 19, 1974, 39 F.R. 6603; Ex. Ord. No. 11866, June 18, 1975, 40 F.R. 26015; Ex. Ord. No. 11966, Jan. 19, 1977, 42 F.R. 4331; Ex. Ord. No. 11977, Mar. 14, 1977, 42 F.R. 14671, designated the following-named international organizations as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act [this subchapter]:

African Development Fund. Asian Development Bank. Caribbean Organization. Coffee Study Group. Customs Cooperation Council. Food and Agriculture Organization. Great Lakes Fishery Commission. Inter-American Defense Board. Inter-American Development Bank.

Inter-American Institute of Agricultural Sciences. Inter-American Statistical Institute. Inter-American Tropical Tuna Commission. Intergovernmental Maritime Consultive Organization. International Atomic Energy Agency.

International Bank for Reconstruction and Development. International Centre for Settlement of Investment Disputes. International Civil Aviation Organization. International Coffee Organization. International Cotton Advisory Committee. International Cotton Institute. International Fertilizer Development Center. International Finance Corporation. International Development Association.

International Hydrographic Bureau.

International Joint Commission—United States and Canada.

International Labor Organization. International Monetary Fund. International Pacific Halibut Commission. International Secretariat for Volunteer Service. International Telecommunication Union.

International Wheat Advisory Committee (International Wheat Council). Lake Ontario Claims Tribunal. Organization of African Unity (OAU). Organization of American States (including Pan American Union). Pan American Health Organization. South Pacific Commission. Southeast Asia Treaty Organization. United International Bureaux for the Protection of Intellectual Property (BIRPI). United Nations. United Nations Educational, Scientific, and Cultural Organization. Universal Postal Union. World Health Organization. World Intellectual Property Organization (WIPO). World Meteorological Organization.

REVOCATION OF EX. ORD. NOS. 9721 AND 10103

Ex. Ord. No. 9721, May 10, 1946, 11 F.R. 5209, as amended by Ex. Ord. No. 10103, Feb. 1, 1950, 15 F.R. 597, formerly set out as a note under this section, which provided for the transfer of Federal Government personnel to public international organizations, was revoked by section 2 of Ex. Ord. No. 10804, Feb. 12, 1959, 24 F.R. 1147, except that they were to remain in effect with respect to employees serving with an international organization on Aug. 28, 1958, the date of enactment of Pub. L. 85-795, Aug. 28, 1958, 72 Stat. 959, popularly known as the Federal Employees International Organization Service Act, who did not elect to have coverage under that act and for the purposes of any rights and benefits vested under prior orders. Ex. Ord. No. 10804 was later revoked by Ex. Ord. No. 11552. Aug. 24, 1970, 35 F.R. 13569, set out as a note under section 3584 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 8 section 1401; title 18 section 1116.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 47-1557a of the District of Columbia Code.

§ 288a. Privileges, exemptions, and immunities of international organizations

International organizations shall enjoy the status, immunities, exemptions, and privileges set forth in this section, as follows:

(a) International organizations shall, to the extent consistent with the instrument creating them, possess the capacity—

(i) to contract;

(ii) to acquire and dispose of real and personal property;

(iii) to institute legal proceedings.

(b) International organizations, their property and their assets, wherever located, and by whomsoever held, shall enjoy the same immunity from suit and every form of judicial process as is enjoyed by foreign governments,

except to the extent that such organizations may expressly waive their immunity for the purpose of any proceedings or by the terms of any contract.

(c) Property and assets of international organizations, wherever located and by whomsoever held, shall be immune from search, unless such immunity be expressly waived, and from confiscation. The archives of international organizations shall be inviolable.

(d) Insofar as concerns customs duties and internal-revenue taxes imposed upon or by reason of importation, and the procedures in connection therewith; the registration of foreign agents; and the treatment of official communications, the privileges, exemptions, and immunities to which international organizations shall be entitled shall be those accorded under similar circumstances to foreign governments.

(Dec. 29, 1945, ch. 652, title I, § 2, 59 Stat. 669.)

§ 288b. Baggage and effects of officers and employees exempted from customs duties and internal revenue taxes

Pursuant to regulations prescribed by the Commissioner of Customs with the approval of the Secretary of the Treasury, the baggage and effects of alien officers and employees of international organizations, or of aliens designated by foreign governments to serve as their representatives in or to such organizations, or of the families, suites, and servants of such officers, employees, or representatives shall be admitted (when imported in connection with the arrival of the owner) free of customs duties and free of internal-revenue taxes imposed upon or by reason of importation.

(Dec. 29, 1945, ch. 652, title I, § 3, 59 Stat. 669.)

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury, with power to delegate, see Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in text, is an officer of the Treasury Department.

§ 288c. Exemption from property taxes

International organizations shall be exempt from all property taxes imposed by, or under the authority of, any Act of Congress, including such Acts as are applicable solely to the District of Columbia or the Territories.

(Dec. 29, 1945, ch. 652, title I, § 6, 59 Stat. 671.)

§ 288d. Privileges, exemptions, and immunities of officers, employees, and their families; waiver

(a) Persons designated by foreign governments to serve as their representatives in or to international organizations and the officers and employees of such organizations, and members of the immediate families of such representatives, officers, and employees residing with them, other than nationals of the United States, shall, insofar as concerns laws regulating entry into and departure from the United States, alien registration and fingerprinting, and the registration of foreign agents, be entitled to the same privileges, exemptions, and immunities as are accorded under similar circumstances to officers and employees, respectively, of foreign governments, and members of their families.

(b) Representatives of foreign governments in or to international organizations and officers and employees of such organizations shall be immune from suit and legal process relating to acts performed by them in their official capacity and falling within their functions as such representatives, officers, or employees except insofar as such immunity may be waived by the foreign government or international organization concerned.

(Dec. 29, 1945, ch. 652, title I, § 7(a), (b), 59 Stat. 671.)

Cross References

Diplomatic and semidiplomatic immunities, generally, see section 1102 of Title 8, Aliens and Nationality.

§ 288e. Personnel entitled to benefits

(a) Notification to and acceptance by Secretary of State of personnel

No person shall be entitled to the benefits of this subchapter, unless he (1) shall have been duly notified to and accepted by the Secretary of State as a representative, officer, or employee; or (2) shall have been designated by the Secretary of State, prior to formal notification and acceptance, as a prospective representative, officer, or employee; or (3) is a member of the family or suite, or servant, of one of the foregoing accepted or designated representatives, officers, or employees.

(b) Deportation of undesirables

Should the Secretary of State determine that the continued presence in the United States of any person entitled to the benefits of this subchapter is not desirable, he shall so inform the foreign government or international organization concerned, as the case may be, and after such person shall have had a reasonable length of time, to be determined by the Secretary of State, to depart from the United States, he shall cease to be entitled to such benefits.

(c) Extent of diplomatic status

No person shall, by reason of the provisions of this subchapter, be considered as receiving diplomatic status or as receiving any of the privileges incident thereto other than such as are specifically set forth herein.

(Dec. 29, 1945, ch. 652, title I, § 8, 59 Stat. 672.)

References in Text

"This subchapter", referred to in text, was in the original, "this title", meaning title I of act Dec. 29, 1945, ch. 652, 59 Stat. 669, which enacted this subchapter and section 409 of Title 42, The Public Health and Welfare, and amended section 215 of Title 8, Aliens and Nationality, and sections 116, 1607, 1621, 3466, 3469, 3475, and 3797 of the Internal Revenue Code of 1939. For complete classification of Title I to the Code, see Short Title note set out under section 288 of this title and Tables volume.

§ 288f. Applicability of reciprocity laws

The privileges, exemptions, and immunities of international organizations and of their officers and employees, and members of their families,

suites, and servants, provided for in this subchapter, shall be granted notwithstanding the fact that the similar privileges, exemptions, and immunities granted to a foreign government, its officers, or employees, may be conditioned upon the existence of reciprocity by that foreign government: *Provided*, That nothing contained in this subchapter shall be construed as precluding the Secretary of State from withdrawing the privileges, exemptions, and immunities provided in this subchapter from persons who are nationals of any foreign country on the ground that such country is failing to accord corresponding privileges, exemptions, and immunities to citizens of the United States.

(Dec. 29, 1945, ch. 652, title I, § 9, 59 Stat. 673.)

REFERENCES IN TEXT

"This subchapter", referred to in text, was in the original, "this title", meaning title I of act Dec. 29, 1945, ch. 652, 59 Stat. 669, which enacted this subchapter and section 409 of Title 42, The Public Health and Welfare, and amended section 215 of Title 8, Aliens and Nationality, and sections 116, 1607, 1621, 3466, 3469, 3475, and 3797 of the Internal Revenue Code of 1939. For complete classification of Title I to the Code, see Short Title note set out under section 288 of this title and Tables volume.

§ 288f–1. European Space Research Organization; extension of privileges, exemptions, and immunities to members

The provisions of this subchapter may be extended to the European Space Research Organization in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(Dec. 29, 1945, ch. 652, title I, § 11, as added Feb. 2, 1966, Pub. L. 89–353, 80 Stat. 5.)

REFERENCES IN TEXT

"This subchapter", referred to in text, was in the original, "this title", meaning title I of act Dec. 29, 1945, ch. 652, 59 Stat. 669, which enacted this subchapter and section 409 of Title 42, The Public Health and Welfare, and amended section 215 of Title 8, Aliens and Nationality, and sections 116, 1607, 1621, 3466, 3469, 3475, and 3797 of the Internal Revenue Code of 1939. For complete classification of Title I to the Code, see Short Title note set out under section 288 of this title and Tables volume.

§ 288f–2. Organization of African Unity; extension of privileges, exemptions, and immunities

The provisions of this subchapter, may be extended to the Organization of African Unity in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(Dec. 29, 1945, ch. 652, title I, § 12, as added Nov. 27, 1973, Pub. L. 93–161, 87 Stat. 635.)

REFERENCES IN TEXT

"This subchapter", referred to in text, was in the original, "this title", meaning title I of act Dec. 29, 1945, ch. 652, 59 Stat. 669, which enacted this subchapter and section 409 of Title 42, The Public Health and Welfare, and amended section 215 of Title 8, Aliens and Nationality, and sections 116, 1607, 1621, 3466, 3469, 3475, and 3797 of the Internal Revenue Code of 1939. For complete classification of Title I to the Code, see Short Title note set out under section 288 of this title and Tables volume.

§ 288g. Organization of American States; extension of privileges and immunities to members

Under such terms and conditions as he shall determine, the President is hereby authorized to extend, or to enter into an agreement extending, to the representatives of member states (other than the United States) to the Organization of American States and to permanent observers to the Organization of American States, and to members of the staffs of said representatives and permanent observers, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by diplomatic envoys accredited to the United States.

(July 10, 1952, ch. 628, 66 Stat. 516; Nov. 7, 1973, Pub. L. 93–149, § 1(b), 87 Stat. 560.)

AMENDMENTS

1973—Pub. L. 93–149 substituted provisions extending diplomatic privileges and immunities to representatives of member states to the Organization of American States, to permanent observers to the Organization of American States, and to member of staff of such representatives and permanent observers, for provisions extending such privileges and immunities to representatives of member states on the Council of the Organization of American State and members of their staff.

EX. ORD. NO. 11931. EXTENSION OF DIPLOMATIC PRIVILEGES AND IMMUNITIES TO PERMANENT OBSERVERS TO ORGANIZATION OF AMERICAN STATES

Ex. Ord. No. 11931, Aug. 3, 1976, 41 F.R. 32689, provided:

By virtue of the authority vested in me by the Act of November 7, 1973 (87 Stat. 560; 22 U.S.C. 288g), and as President of the United States of America, I extend to Permanent Observers to the Organization of American States, and to the members of the diplomatic staffs of such Permanent Observers, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by diplomatic envoys accredited to the United States.

This Executive order shall be effective as of November 7, 1973. The enjoyment of privileges and immunities extended hereunder shall be subject to any Agreements entered into between the Government of the United States and the Organization of American States after that date.

GERALD R. FORD.

§ 288h. Commission of European Communities; extension of privileges and immunities to members

Under such terms and conditions as he shall determine and consonant with the purposes of this section, the President is authorized to extend, or to enter into an agreement extending, to the Mission to the United States of America of the Commission of the European Communities, and to members thereof, the same privileges and immunities subject to corresponding conditions and obligations as are en-

joyed by diplomatic missions accredited to the United States and by members thereof.

(Pub. L. 92-499, Oct. 18, 1972, 86 Stat. 815.)

EX. ORD. NO. 11689. PRESIDENTIAL EXTENSION OF DIPLOMATIC PRIVILEGES AND IMMUNITIES

Ex. Ord. No. 11689, Dec. 5, 1972, 37 F.R. 25987, provided:

By virtue of the authority vested in me by the Act of October 18, 1972 (Public Law 92-499) [this section], and as President of the United States, I hereby extend to the Mission to the United States of America of the Commission of the European Communities, and to the officers of that Mission assigned to Washington to represent the Commission to the Government of the United States and duly notified to and accepted by the Secretary of State, and to their families, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by diplomatic missions accredited to the United States and by members of the diplomatic staffs thereof.

RICHARD NIXON.

§ 288i. Liaison Office of the People's Republic of China; extension of privileges and immunities to members

Under such terms and conditions as he shall determine and consonant with the purposes of this section, the President is authorized to extend to the Liaison Office of the People's Republic of China in Washington and to the members thereof the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof.

(Pub. L. 93-22, Apr. 20, 1973, 87 Stat. 24.)

EX. ORD. NO. 11771. EXTENDING DIPLOMATIC PRIVILEGES AND IMMUNITIES TO THE LIAISON OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA IN WASHINGTON, D.C.

Ex. Ord. No. 11771, Mar. 18, 1974, 39 F.R. 10415, provided:

By virtue of the authority vested in me by the act of April 20, 1973 (87 Stat. 24; Public Law 93-22) [this section], and as President of the United States, I extend to the Liaison Office of the People's Republic of China in Washington, D.C., and to its members who are duly notified to, and accepted by, the Secretary of State the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by the diplomatic missions accredited to the United States and by members of the staffs thereof. This Executive Order shall be effective as of April 20, 1973.

RICHARD NIXON.

SUBCHAPTER XIX—INTERNATIONAL REFUGEE ORGANIZATION

§ 289. Acceptance of membership by the United States; conditions

The President is hereby authorized to accept membership for the United States in the International Refugee Organization (hereinafter referred to as the "Organization"), the constitution of which was approved in New York on December 15, 1946, by the General Assembly of the United Nations, and deposited in the archives of the United Nations: *Provided, however,* That this authority is granted and the approval of the Congress of the acceptance of membership of the United States in the International Refugee Organization is given upon condition and with the reservation that no agreement shall be concluded on behalf of the United States and no action shall be taken by any officer, agency, or any other person and acceptance of the constitution of the Organization by or on behalf of the Government of the United States shall not constitute or authorize action (1) whereby any person shall be admitted to or settled or resettled in the United States or any of its Territories or possessions without prior approval thereof by the Congress, and this subchapter shall not be construed as such prior approval, or (2) which will have the effect of abrogating, suspending, modifying, adding to, or superseding any of the immigration laws or any other laws of the United States.

(July 1, 1947, ch. 185, § 1, 61 Stat. 214.)

REFERENCES IN TEXT

The immigration laws, referred to in text, mean chapter 12 (§ 1101 et seq.) of Title 8, Aliens and Nationality, and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, deportation, or expulsion of aliens. See section 1101(a)(17) of Title 8.

§ 289a. Designation of representative and alternates; compensation

The President shall designate from time to time a representative of the United States and not to exceed two alternates to attend a specified session or specified sessions of the general council of the Organization. Whenever the United States is elected to membership on the executive committee, the President shall designate from time to time, either from among the aforesaid representative and alternates or otherwise, a representative of the United States and not to exceed one alternate to attend sessions of the executive committee. Such representative or representatives shall each be entitled to receive compensation at a rate not to exceed $12,000 per annum, and any such alternate shall be entitled to receive compensation at a rate not to exceed $10,000 per annum, for such period or periods as the President may specify, except that no Member of the Senate or House of Representatives or officer of the United States who is designated as such a representative shall be entitled to receive such compensation.

(July 1, 1947, ch. 185, § 2, 61 Stat. 215.)

§ 289b. Authorization of appropriations; payment of salaries and expenses

There is hereby authorized to be appropriated annually to the Department of State—

(a) such sums, not to exceed $73,325,000 for the fiscal year beginning July 1, 1947, as may be necessary for the payment of United States contributions to the Organization (consisting of supplies, services, or funds and all necessary expenses related thereto) as determined in accordance with article 10 of the constitution of the Organization; and

(b) such sums, not to exceed $175,000 for the fiscal year beginning July 1, 1947, as may be necessary for the payment of—

(1) salaries of the representative or representatives and alternates provided for in section 289a of this title, and appropriate staff, including personal services in the District of Columbia and elsewhere, without regard to

the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5; and

(2) such other expenses as the Secretary of State deems necessary to participation by the United States in the activities of the Organization; *Provided*, That the provisions of section 287e of this title and regulations thereunder, applicable to expenses incurred pursuant to subchapter XVI of this chapter shall be applicable to any expenses incurred pursuant to this chapter.

(July 1, 1947, ch. 185, § 3, 61 Stat. 215; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b)(1), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

Subchapter XVI [§ 287 et seq.] of this chapter, referred to in subsec. (b)(2), was in the original a reference to the United Nations Participation Act of 1945.

CODIFICATION

In subsec. (b)(1), "chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1949—Subsec. (b)(1). Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923".

REPEALS

Act Oct. 28, 1949, ch. 782, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

CROSS REFERENCES

Consent by State Department to contributions to international organizations and reports to Congress, see section 262a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 289c of this title.

§ 289c. Transfer of funds; furnishing supplies and services; additional employees; accounting for reimbursements

(a) Sums from the appropriations made pursuant to subsection (a) of section 289b of this title may be transferred to any department, agency, or independent establishment of the Government to carry out the purposes of such subsection, and such sums shall be available for obligation and expenditure in accordance with the laws governing obligations and expenditures of the department, agency, independent establishment, or organizational unit thereof concerned, and without regard to section 529 of title 31 and section 5 of title 41.

(b) Upon request of the Organization, any department, agency, or independent establishment of the Government (upon receipt of advancements or reimbursements for the cost and necessary expenses) may furnish supplies, or if advancements are made may procure and furnish supplies, and may furnish or procure and furnish services, to the Organization. When reimbursement is made it shall be credited, at the option of the department, agency, or independent establishment concerned, either to the appropriation, fund, or account utilized in incurring the obligation, or to an appropriate appropriation fund, or account which is current at the time of such reimbursement.

(July 1, 1947, ch. 185, § 4, 61 Stat. 215; Sept. 6, 1966, Pub. L. 89-554, § 8(a), 80 Stat. 654.)

AMENDMENTS

1966—Subsec. (b). Pub. L. 89-554 eliminated proviso which excepted certain personnel from the ceiling imposed by former section 947 of title 5.

§ 289d. Omitted

CODIFICATION

Section, act July 1, 1947, ch. 185, § 5, 61 Stat. 216, authorized appropriations in the form of advance contributions to the Preparatory Commission of the Organization during the interim period between July 1, 1947 and the coming into force of the constitution of the Organization.

SUBCHAPTER XX—WORLD HEALTH ORGANIZATION

§ 290. Acceptance of membership by the United States

The President is hereby authorized to accept membership for the United States in the World Health Organization (hereinafter referred to as the Organization), the constitution of which was adopted in New York on July 22, 1946, by the International Health Conference for the establishment of an International Health Organization, and deposited in the archives of the United Nations.

(June 14, 1948, ch. 469, § 1, 62 Stat. 441.)

INTERNATIONAL HEALTH ADMINISTRATION

Ex. Ord. No. 10399, Sept. 29, 1952, 17 F.R. 8648, designated the Surgeon General to perform certain duties under the International Sanitary Regulations of the World Health Organization.

§ 290a. Designation of representatives and alternates; compensation; loyalty checkup

The President shall designate from time to time to attend a specified session or specified sessions of the World Health Assembly of the Organization not to exceed three delegates of the United States and such number of alternates as he may determine consistent with the rules of procedure of the World Health Assembly. One of the delegates shall be designated as the chief delegate. Whenever the United States becomes entitled to designate a person to serve on the Executive Board of the Organization, under article 24 of the constitution of the Organization, the President shall designate a representative of the United States, by and with the advice and consent of the Senate, and may designate not to exceed one alternate to attend sessions of the Executive Board. Such representative must be a graduate of a recognized medical school and have spent not less than three years in active practice as a physician or surgeon. Such representative and any such alternate shall each be entitled to receive compensation at one of the rates provided by section 867 of this title, for such period or periods as the President may specify, except that no Member

of the Senate or House of Representatives or officer of the United States who is thus designated shall be entitled to receive such compensation: *Provided*, That no person shall serve as such representative, delegate, or alternate until such person has been investigated as to loyalty and security by the Civil Service Commission.

(June 14, 1948, ch. 469, § 2, 62 Stat. 441; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43; Oct. 11, 1962, Pub. L. 87-793, § 1001(l), 76 Stat. 865.)

AMENDMENTS

1962—Pub. L. 87-793 substituted "Such representative and any such alternate shall each be entitled to receive compensation at one of the rates provided by section 867 of this title" for "Such representative shall be entitled to receive compensation at a rate not to exceed $12,000 per annum and any such alternate shall be entitled to receive compensation at a rate not to exceed $10,000 per annum."

1952—Act Apr. 5, 1952, substituted the "Civil Service Commission" for the "Federal Bureau of Investigation".

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-793 effective on the first day of the first pay period which begins on or after Oct. 11, 1962, see section 1008 of Pub. L. 87-793.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 290b of this title; title 5 section 1304.

§ 290b. Authorization of appropriations; payment of salaries and expenses

There are hereby authorized to be appropriated to the Department of State for contribution to the working capital fund of the organization the sum of $560,000 and as annual appropriations the following:

(a) such sums as may be necessary for the payment by the United States of its share of the expenses of the Organization as apportioned by the Health Assembly in accordance with article 56 of the constitution of the Organization, except that payments by the United States for any fiscal year of the Organization after 1958 shall not exceed 33⅓ per centum of the total assessments of active members of the Organization for such fiscal year; and

(b) such additional sums, not to exceed $83,000 for the fiscal year beginning July 1, 1947, as may be necessary to pay the expenses incident to participation by the United States in the activities of the Organization, including—

(1) salaries of the representative and alternate provided for in section 290a of this title, and appropriate staff, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5; services as authorized by section 3109 of title 5; under such rules and regulations as the Secretary of State may prescribe, allowances for living quarters, including heat, fuel, and light and cost of living allowances to persons temporarily stationed abroad; printing and binding without regard to section 501 of title 44 and section 5 of title 41; and

(2) such other expenses as the Secretary of State deems necessary to participation by the United States in the activities of the Organization: *Provided*, That the provisions of section 287r of this title, and regulations thereunder, applicable to expenses incurred pursuant to subchapter XVII of this chapter shall be applicable to any expenses incurred pursuant to this paragraph.

(June 14, 1948, ch. 469, § 3, 62 Stat. 441; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972; Sept. 21, 1950, ch. 976, § 1(d), 64 Stat. 902; Aug. 26, 1954, ch. 937, title IV, § 419, as added July 8, 1955, ch. 301, § 8(j), 69 Stat. 288.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b)(1), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

Subchapter XVII [§ 287m et seq.] of this chapter, referred to in subsec. (b)(2), was in the original a reference to the Act of July 30, 1946, Public Law 565, Seventy-ninth Congress.

CODIFICATION

In subsec. (b)(1), "chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

"Section 3109 of title 5" was substituted for "section 15 of Public Law 600, Seventy-ninth Congress [5 U.S.C. 55a]" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted title 5.

"Section 501 of title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, section 1 of which enacted Title 44, Public Printing and Documents.

AMENDMENTS

1955—Subsec. (a). Act July 8, 1955, removed the limitation of $3,000,000 which may be appropriated annually, and limited payments by the United States to not more than 33⅓ per centum of the total assessments.

1950—Opening par. amended by Joint Res. Sept. 21, 1950, § 1(d)(1), to provide for a contribution of $560,000 to the working capital fund.

Subsec. (a). Joint Res. Sept. 21, 1950, § 1(d)(2), increased the authorized annual appropriation from $1,920,000 to $3,000,000.

1949—Subsec. (b)(1). Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923".

REPEALS

Pub. L. 85-141, § 8(n), Aug. 14, 1957, 71 Stat. 362, repealed section 419 of act Aug. 26, 1954, except in so far as section 419 affected this section.

Act Oct. 28, 1949, ch. 782, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in the World Health Organization were contained in the following Department of State Appropriation Acts:

Pub. L. 94-362, title I, § 101, July 14, 1976, 90 Stat. 938.

Pub. L. 94-121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

Pub. L. 93-433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

Pub. L. 93-162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

Pub. L. 92-544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.
Pub. L. 92-77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.
Pub. L. 91-472, title I, § 101, Oct. 21, 1970, 84 Stat. 1041.

LIMITATION OF CONTRIBUTIONS

Contributions by United States, except for special projects, limited to amount provided by Joint Res. Sept. 21, 1950; consent by State Department and reports to Congress, see section 262a of this title.

§ 290c. Withdrawal from Organization on one-year notice

In adopting this subchapter the Congress does so with the understanding that, in the absence of any provision in the World Health Organization Constitution for withdrawal from the Organization, the United States reserves its right to withdraw from the Organization on a one-year notice: *Provided, however,* That the financial obligations of the United States to the Organization shall be met in full for the Organization's current fiscal year.

(June 14, 1948, ch. 469, § 4, 62 Stat. 442.)

§ 290d. Enactment of specific legislation by Congress

In adopting this subchapter, the Congress does so with the understanding that nothing in the Constitution of the World Health Organization in any manner commits the United States to enact any specific legislative program regarding any matters referred to in said Constitution.

(June 14, 1948, ch. 469, § 5, 62 Stat. 442.)

§ 290e. Congressional declaration of policy

The Congress of the United States, recognizing that the diseases of mankind, because of their widespread prevalance, debilitating effects, and heavy toll in human life, constitute a major deterrent to the efforts of many peoples to develop their economic resources and productive capacities, and to improve their living conditions, declares it to be the policy of the United States to continue and strengthen mutual efforts among the nations for research against diseases such as heart disease and cancer. In furtherance of this policy, the Congress invites the World Health Organization to initiate studies looking toward the strengthening of research and related programs against these and other diseases common to mankind or unique to individual regions of the globe.

(June 14, 1948, ch. 469, § 6, as added June 30, 1958, Pub. L. 85-477, ch. V, § 502(m), 72 Stat. 275.)

§ 290e-1. International Agency for Research on Cancer; authorization of appropriations; limitation

There are hereby authorized to be appropriated such sums as may be necessary for the annual payment by the United States of its share of the expenses of the International Agency for Research on Cancer as determined in accordance with article VIII of the Statute of the International Agency for Research on Cancer, except that in no event shall that payment for any year exceed 16 per centum of all contributions assessed Participating Members of the Agency for that year.

(Pub. L. 92-494, Oct. 14, 1972, 86 Stat. 811.)

SUBCHAPTER XXI—INTER-AMERICAN FOUNDATION

§ 290f. Inter-American Foundation

(a) Establishment

There is created as an agency of the United States of America a body corporate to be known as the Inter-American Foundation (hereinafter in this section referred to as the "Foundation").

(b) Congressional declaration of purpose

The future of freedom, security, and economic development in the Western Hemisphere rests on the realization that man is the foundation of all human progress. It is the purpose of this section to provide support for developmental activities designed to achieve conditions in the Western Hemisphere under which the dignity and the worth of each human person will be respected and under which all men will be afforded the opportunity to develop their potential, to seek through gainful and productive work the fulfillment of their aspirations for a better life, and to live in justice and peace. To this end, it shall be the purpose of the Foundation, primarily in cooperation with private, regional, and international organizations, to—

(1) strengthen the bonds of friendship and understanding among the peoples of this hemisphere;

(2) support self-help efforts designed to enlarge the opportunities for individual development;

(3) stimulate and assist effective and ever wider participation of the people in the development process;

(4) encourage the establishment and growth of democratic institutions, private and governmental, appropriate to the requirements of the individual sovereign nations of this hemisphere.

In pursuing these purposes, the Foundation shall place primary emphasis on the enlargement of educational opportunities at all levels, the production of food and the development of agriculture, and the improvement of environmental conditions relating to health, maternal and child care, family planning, housing, free trade union development, and other social and economic needs of the people.

(c) Programs and projects to achieve purposes

The Foundation shall carry out the purposes set forth in subsection (b) of this section primarily through and with private organizations, individuals, and international organizations by undertaking or sponsoring appropriate research and by planning, initiating, assisting, financing, administering, and executing programs and projects designed to promote the achievement of such purposes.

(d) Coordination of activities with national and international agencies

In carrying out its functions under this section, the Foundation shall, to the maximum extent possible, coordinate its undertakings with the developmental activities in the West-

ern Hemisphere of the various organs of the Organization of American States, the United States Government, international organizations, and other entities engaged in promoting social and economic development of Latin America.

(e) Powers and functions

The Foundation, as a corporation—

(1) shall have perpetual succession unless sooner dissolved by an Act of Congress;

(2) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) may make and perform contracts and other agreements with any individual, corporation, or other body of persons however designated whether within or without the United States of America, and with any government or governmental agency, domestic or foreign;

(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses, including expenses for representation (not to exceed $10,000 in any fiscal year), allowed and paid;

(5) may, as necessary for the transaction of the business of the Foundation, employ and fix the compensation of not to exceed one hundred persons at any one time;

(6) may acquire by purchase, devise, bequest, or gift, or otherwise lease, hold, and improve, such real and personal property as it finds to be necessary to its purposes, whether within or without the United States, and in any manner dispose of all such real and personal property held by it and use as general funds all receipts arising from the disposition of such property;

(7) shall be entitled to the use of the United States mails in the same manner and on the same conditions as the executive departments of the Government;

(8) may, with the consent of any board, corporation, commission, independent establishment, or executive department of the Government, including any field service thereof, avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this section;

(9) may accept money, funds, property, and services of every kind by gift, device,[1] bequest, grant, or otherwise, and make advances, grants, and loans to any individual, corporation, or other body of persons, whether within or without the United States of America, or to any government or governmental agency, domestic or foreign, when deemed advisable by the Foundation in furtherance of its purposes;

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction; and

(11) shall have such other powers as may be necessary and incident to carrying out its powers and duties under this section.

(f) Disposal of assets on liquidation

Upon termination of the corporate life of the Foundation all of its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

[1] So in original. Probably should be "devise".

(g) Board of directors; number, term, and appointment

The management of the Foundation shall be vested in a board of directors (hereafter in this section referred to as the "Board") composed of seven members appointed by the President, by and with the advice and consent of the Senate, one of whom he shall designate to serve as Chairman of the Board and one of whom he shall designate to serve as Vice Chairman of the Board. Four members of the Board shall be appointed from private life. Three members of the Board shall be appointed from among officers or employees of agencies of the United States concerned with inter-American affairs. Members of the Board shall be appointed for terms of six years, except that of the members first appointed two shall be appointed for terms of two years and two shall be appointed for terms of four years, as designated by the President at the time of their appointment. A member of the Board appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term; but upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified. Members of the Board shall be eligible for reappointment.

(h) Reimbursement of expenses

Members of the Board shall serve without additional compensation, but shall be reimbursed for actual and necessary expenses not in excess of $50 per day, and for transportation expenses, while engaged in their duties on behalf of the corporation.

(i) Board; authority

The Board shall direct the exercise of all the powers of the Foundation.

(j) Rules and regulations; quorum of the Board

The Board may prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised and enjoyed. A majority of the Board shall be required as a quorum.

(k) Authority of the Board to appoint committees

In furtherance and not in limitation of the powers conferred upon it, the Board may appoint such committees for the carrying out of the work of the Foundation as the Board finds to be for the best interests of the Foundation, each committee to consist of two or more members of the Board, which committees, together with officers and agents duly authorized by the Board and to the extent provided by the Board, shall have and may exercise the powers of the Board in the management of the business and affairs of the Foundation.

(l) President of Foundation; appointment and compensation; employment of experts and consultants

(1) The chief executive officer of the Foundation shall be a President who shall be appointed by the Board of Directors on such terms as the Board may determine. The President shall receive compensation at the rate provided for

level IV of the Executive Schedule under section 5315 of title 5.

(2) Experts and consultants, or organizations thereof, may be employed as authorized by section 3109 of title 5.

(m) Establishment of Council; consultation by the Board; reimbursement of expenses of members of the Council

In order to further the purposes of the Foundation there shall be established a Council to be composed of such number of individuals as may be selected by the Board from among individuals knowledgeable concerning developmental activities in the Western Hemisphere. The Board shall, from time to time, consult with the Council concerning the objectives of the Foundation. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5 for travel and other expenses incurred by them in the performance of their functions under this subsection.

(n) Nonprofit nature of the Foundation; conflict of interests

The Foundation shall be a nonprofit corporation and shall have no capital stock. No part of its revenue earnings, or other income or property shall inure to the benefit of its directors, officers, and employees and such revenue, earnings, or other income, or property shall be used for the carrying out of the corporate purposes set forth in this section. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his personal interests or the interests of any corporation, partnership, or organization in which he is directly or indirectly interested.

(o) Personnel; service in foreign governments or agencies

When approved by the Foundation, in furtherance of its purpose, the officers and employees of the Foundation may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries.

(p) Service of employees of other agencies in the Foundation; rights and privileges

The Secretary of State shall have authority to detail employees of any agency under his jurisdiction to the Foundation under such circumstances and upon such conditions as he may determine. Any such employee so detailed shall not lose any privileges, rights, or seniority as an employee of any such agency by virtue of such detail.

(q) Establishment of principal and branch offices

The Foundation shall establish a principal office. The Foundation is authorized to establish agencies, branch offices, or other offices in any place or places within the United States or elsewhere in any of which locations the Foundation may carry on all or any of its operations and business.

(r) Exemption from tax

The Foundation, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United States, or any territory or possession thereof, or by any State, county, municipality, or local taxing authority.

(s) Authorization of appropriation

Notwithstanding any other provision of law, not to exceed an aggregate amount of $50,000,000 of the funds made available for the fiscal years 1970 and 1971 to carry out part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] shall be available to carry out the purposes of this section. Funds made available to carry out the purposes of this section under the preceding sentence are authorized to remain available until expended.

(t) Application of Government Corporation Control Act

The Foundation shall be subject to the provisions of the Government Corporation Control Act [31 U.S.C. 841 et seq.].

(Pub. L. 91-175, pt. IV, § 401, Dec. 30, 1969, 83 Stat. 821; Pub. L. 92-226, pt. IV, § 406(2)-(5), Feb. 7, 1972, 86 Stat. 34.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (s), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Part I of the Foreign Assistance Act of 1961 is classified generally to subchapter I (§ 2151 et seq.) of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Government Corporation Control Act, referred to in subsec. (t), is act Dec. 6, 1945, ch. 557, 59 Stat. 597, as amended, which is classified generally to chapter 14 (§ 841 et seq.) of Title 31, Money and Finance. For complete classification of this act to the Code, see Short Title note set out under section 841 of Title 31 and Tables volume.

AMENDMENTS

1972—Pub. L. 92-226, § 406(3), substituted "Foundation" for "Institute" wherever appearing in subsecs. (b) third and fourth sentences, (c), (d), (e) introductory text, (e)(5), (9), (f), (g), (i), (j), (k), (*l*), (m) to (r) and (t).

Subsec. (a). Pub. L. 92-226, § 406(2), substituted "Inter-American Foundation" and "Foundation" for "Inter-American Social Development Institute" and "Institute".

Subsec. (e)(4). Pub. L. 92-226, § 406(4), inserted ", including expenses for representation (not to exceed $10,000 in any fiscal year),".

Subsec. (*l*). Pub. L. 92-226, § 406(5), designated existing provisions as par. (1), substituted therein "Foundation" for "Institute" and "President" for "Executive Director" in two instances, and added par. (2).

SHORT TITLE

Pub. L. 91-175, pt. IV, Dec. 30, 1969, 83 Stat. 821, as amended by Pub. L. 92-226, pt. IV, § 406(1), Feb. 7, 1972, 86 Stat. 34, designated Part IV provisions classified to this section as the "Inter-American Foundation Act".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2384 of this title.

SUBCHAPTER XXII—AFRICAN DEVELOPMENT FUND

§ 290g. African Development Fund; United States participation

The President is hereby authorized to accept participation for the United States in the African Development Fund (hereinafter referred to

as the "Fund") provided for by the agreement establishing the Fund (hereinafter referred to as the "agreement") deposited in the Archives of the United Nations.

(Pub. L. 94-302, title II, § 202, May 31, 1976, 90 Stat. 593.)

SHORT TITLE

Section 201 of title II of Pub. L. 94-302 provided that: "This title [enacting this subchapter] may be cited as the 'African Development Fund Act'."

§ 290g-1. Appointment of Governor and Alternate Governor; rank, duties, and compensation

(a) The President, by and with the advice and consent of the Senate, shall appoint a Governor, and an Alternate Governor, of the Fund.

(b) The Governor, or in his absence the Alternate Governor, on the instructions of the President, shall cast the votes of the United States for the Director to represent the United States in the Fund. The Director representing the United States and his Alternate, if they are citizens of the United States, may, in the discretion of the President, receive such compensation, allowances, and other benefits not exceeding those authorized for a Chief of Mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.].

(Pub. L. 94-302, title II, § 203, May 31, 1976, 90 Stat. 593.)

REFERENCES IN TEXT

The Foreign Service Act of 1946, as amended, referred to in subsec. (b), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. Provisions relating to the compensation of a Chief of Mission, class 2, are contained in section 866 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

§ 290g-2. Law governing reports to the President and the Congress

The provisions of section 286b of this title, shall apply with respect to the Fund to the same extent as with respect to the International Bank for Reconstruction and Development and the International Monetary Fund. Reports with respect to the Fund under paragraphs (5) and (6) of section 286b(b) of this title, shall be included in the first report made thereunder after the United States accepts participation in the Fund.

(Pub. L. 94-302, title II, § 204, May 31, 1976, 90 Stat. 594.)

CODIFICATION

In the original, "paragraphs (5) and (6) of section 286b(b)" read "paragraphs (5) and (6) of subsection 4 of said Act, as amended," probably meaning paragraphs (5) and (6) of subsection (b) of section 4 of said Act, as amended. Substitution was made to reflect the probable intent of Congress.

§ 290g-3. Specific actions requiring Congressional authorization

Unless Congress by law authorizes such action, neither the President nor any person or agency shall, on behalf of the United States:

(a) agree to an increase in the subscription of the United States to the Fund;

(b) vote for or agree to any amendment of the agreement which increases the obligations of the United States, or which would change the purpose or functions of the Fund; or

(c) make a loan or provide other financing to the Fund, except that funds for technical assistance may be provided to the Fund by a United States agency created pursuant to an Act of Congress which is authorized by law to provide funds to international organizations.

(Pub. L. 94-302, title II, § 205, May 31, 1976, 90 Stat. 594.)

§ 290g-4. Authorization of appropriations; repayments and distributions from Fund to Treasury

(a) There is hereby authorized to be appropriated without fiscal year limitation, as the United States subscription, $25,000,000 to be paid by the Secretary of the Treasury to the Fund in three annual installments of $9,000,000, $8,000,000, and $8,000,000.

(b) Any repayment or distribution of moneys from the Fund to the United States shall be covered into the Treasury as a miscellaneous receipt.

(Pub. L. 94-302, title II, § 206, May 31, 1976, 90 Stat. 594.)

§ 290g-5. Federal Reserve banks as depository for the Fund; supervision

Any Federal Reserve bank which is requested to do so by the President shall act as a depository for the Fund, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(Pub. L. 94-302, title II, § 207, May 31, 1976, 90 Stat. 594.)

§ 290g-6. Civil action by or against the Fund; service of process, venue, jurisdiction, removal of actions

For the purpose of any civil action which may be brought within the United States, its territories or possessions, or the Commonwealth of Puerto Rico, by or against the Fund in accordance with the agreement, the Fund shall be deemed to be an inhabitant of the Federal judicial district in which its principal office or agency appointed for the purpose of accepting service or notice of service is located, and any such action to which the Fund shall be party shall be deemed to arise under the laws of the United States, and the district courts of the United States (including the courts enumerated in section 460 of title 28) shall have original jurisdiction of any such action. When the Fund is defendant in any action in a State court, it may, at any time before the trial thereof, remove such action into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

(Pub. L. 94-302, title II, § 208, May 31, 1976, 90 Stat. 594.)

CROSS REFERENCES

District courts, removal of cases from State courts, see section 1441 et seq. of Title 28, Judiciary and Judicial Procedure.

§ 290g-7. Force and effect of agreement; deposit of documents by the President; reservation of right to tax salaries and emoluments paid by the Fund to United States citizens or nationals

The agreement, including without limitation articles 41 through 50, shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon the acceptance of participation by the United States in, and the entry into force of, the Fund. The President, at the time of deposit of the instrument of acceptance of participation of the United States in the Fund, shall also deposit a declaration that the United States retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Fund to its citizens or nationals and may deposit a declaration providing for reservations on other matters set forth in article 58.

(Pub. L. 94-302, title II, § 209, May 31, 1976, 90 Stat. 594.)

REFERENCES IN TEXT

The agreement and articles 41 through 50 and article 58, referred to in text, mean the Bretton Woods Agreement and the articles thereof.

§ 290g-8. Presidential instructions to United States Governor of the Fund to veto any use of funds to benefit a country pursuing a detrimental economic policy against United States interests; exceptions

The President shall instruct the United States Governor of the Fund to cause the Executive Director representing the United States in the Fund to cast the votes of the United States against any loan or other utilization of the funds of the Fund for the benefit of any country which has—

(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law.

(Pub. L. 94-302, title II, § 210, May 31, 1976, 90 Stat. 595.)

§ 290g-9. Gross violations of internationally recognized human rights

(a) Veto against any loan or extension of financial or technical assistance to a country engaged in a pattern of human rights violations; direct benefit exception

The United States Governor of the Fund is authorized and directed to cause the Executive Director representing the United States to vote against any loan, any extension of financial assistance, or any technical assistance to any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of person, and including providing refuge to individuals committing acts of international terrorism such as the hijacking of an aircraft, unless such assistance will directly benefit the needy people in such country.

(b) Maintenance of standard; report to Congress by the United States Governor of the Bank; contents

In determining whether this standard is being met with regard to activities of the African Development Fund, the Committee on Foreign Relations of the Senate or the House Committee on International Relations, or the House Committee on Banking, Finance and Urban Affairs, may require the United States Governor of the Bank to submit in writing information demonstrating that such loan or assistance will directly benefit those persons in such country to which such loan or assistance is supposed to be directed, together with a detailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit such persons in such country.

(c) Congressional considerations of eligibility for assistance; investigation by international organizations of alleged violations of human rights

In determining whether or not a country falls within the provisions of subsection (a) of this section, the Senate Committee on Foreign Relations and the House Committee on International Relations and the House Committee on Banking, Finance and Urban Affairs shall give consideration to the extent of cooperation of such country in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States.

(Pub. L. 94-302, title II, § 211, May 31, 1976, 90 Stat. 595; H. Res. 5, Jan. 4, 1977.)

CHANGE OF NAME

The name of the Committee on Banking, Currency and Housing of the House of Representatives was changed to Committee on Banking, Finance and

Urban Affairs, effective Jan. 4, 1977, by House Resolution 5, 95th Congress.

CHAPTER 8—FOREIGN SERVICE BUILDINGS

Sec.

291. Lease of buildings, etc., for offices, living quarters, heat, light, and equipment.
292. Acquisition of sites and buildings for diplomatic and consular establishments; allotment of space; credit of payments from other than appropriated funds for acquisition of property without regard to limitations of amounts.
293. Repealed.
294. Manner of use of buildings; contracts for construction, etc.
294a. Contracts requiring payment in foreign currency.
295. Appropriations; Foreign Service Building Fund; expenditures; foreign currencies.
295a, 295b. Omitted.
296. Duties of Secretary of State with respect to commission and properties.
297. Acquisition of property by lease.
297a, 298. Omitted.
299. Short title.
300. Sales, exchanges, leases, or licenses of property; property damage or destruction payments; gifts of property or services; disposition of proceeds; report to Congress.
301. Lease or rental arrangements of not less than ten years; approval by Secretary; delegation of authority; information to Congress.

Chapter Referred to in Other Sections

This chapter is referred to in sections 816, 1139 of this title; title 40 sections 474, 511.

§ 291. Lease of buildings, etc., for offices, living quarters, heat, light, and equipment

The Secretary of State may lease or rent, for periods not exceeding ten years, such buildings and grounds for the use of the Foreign Service as may be necessary; and he may, in accordance with existing practice without cost to them, and within the limit of any appropriation made by Congress, furnish the officers and employees in the Foreign Service with living quarters, heat, light, and household equipment in Government-owned or rented buildings, at places where, in his judgment, it would be in the public interest to do so, notwithstanding the provisions of section 5536 of title 5; and appropriations for "Contingent expenses, foreign missions," and "Contingent expenses, consulates," are made available for such purposes.

(Apr. 18, 1930, ch. 184, title I, § 1, 46 Stat. 177.)

Codification

Section was not enacted as a part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

"Section 5536 of title 5" was substituted for "section 1765 of the Revised Statutes (U.S.C., title 5, sec. 70; U.S.C., Supp. III, title 5, sec. 70)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

Cross References

Gifts of buildings for diplomatic and consular service, see section 809 of this title.

§ 292. Acquisition of sites and buildings for diplomatic and consular establishments; allotment of space; credit of payments from other than appropriated funds for acquisition of property without regard to limitations of amounts

(a) The Secretary of State is empowered to acquire by purchase or construction in the manner hereinafter provided, within the limits of appropriations made pursuant to this chapter, by exchange, in whole or in part, of any building or grounds of the United States in foreign countries and under the jurisdiction and control of the Secretary of State, sites and buildings in foreign capitals and in other foreign cities, and to alter, repair, and furnish such buildings for the use of the diplomatic and consular establishments of the United States, or for the purpose of consolidating within one or more buildings, the embassies, legation, consulates, and other agencies of the United States Government there maintained. The space in such buildings shall be allotted by the Secretary of State among the several agencies of the United States Government.

(b) Payments made for rent or otherwise by the United States from funds other than appropriations made under authority of this chapter may be credited toward the acquisition of property under this chapter without regard to limitations of amounts imposed by this chapter.

(May 7, 1926, ch. 250, § 1, 44 Stat. 403; May 29, 1928, ch. 876, § 1, 45 Stat. 971; Aug. 12, 1963, Pub. L. 88-94, § 2(b), 77 Stat. 122; Oct. 10, 1966, Pub. L. 89-636, § 2, 80 Stat. 881.)

Amendments

1966—Pub. L. 89-636 designated existing provisions as subsec. (a) and added subsec. (b).

1963—Pub. L. 88-94 deleted ", subject to the direction of the commission hereinafter established," following "is empowered", "under such terms and conditions as in the judgment of the commission may best protect the interests of the United States," following "in part," and ", to the extent deemed advisable by the commission," following "consolidating" and substituted ". The space in such buildings shall be allotted by the Secretary of State" for ", which buildings shall be appropriately designated by the commission, and the space in which shall be allotted by the Secretary of State under the direction of the commission."

1928—Act May 29, 1928, inserted "or by exchange, in whole or in part, under such terms and conditions as in the judgment of the commission may best protect the interest of the United States, of any building or grounds of the United States in foreign countries and under the jurisdiction and control of the Secretary of State".

Authority of Director of United States Information Agency

Exercise of authority available under this chapter by the Director of the United States Information Agency, see Ex. Ord. No. 10477, Aug. 1, 1953, 18 F.R. 4540, set out as a note under section 811a of this title.

§ 293. Repealed. Pub. L. 88-94, § 2(a), Aug. 12, 1963, 77 Stat. 122

Section, acts May 7, 1926, ch. 250, § 2, 44 Stat. 404; May 29, 1928, ch. 876, § 2, 45 Stat. 971; June 19, 1952, ch. 446, § 1, 66 Stat. 140, established the Foreign Service Buildings Commission, prescribed its duties, abolished the prior commission, authorized the issuance of rules and regulations, required annual reports to Congress and provided for appointment of personnel.

FOREIGN SERVICE BUILDINGS COMMISSION; REFERENCES IN OTHER LAWS

Section 2(g) of Pub. L. 88-94 provided that: "All references to the Foreign Service Buildings Commission, originally established by the Foreign Service Buildings Act, 1926 [this chapter] in all laws of the United States are hereby repealed."

§ 294. Manner of use of buildings; contracts for construction, etc.

Buildings and grounds acquired under this chapter or prior to May 7, 1926, acquired or authorized for the use of the diplomatic and consular establishments in foreign countries may be used, in the case of buildings and grounds for the diplomatic establishment, as Government offices or residences or as such offices and residences; or, in the case of other buildings and grounds, as such offices or such offices and residences. The contracts for all work of construction, alteration, and repair under this chapter are authorized to be negotiated, the terms of the contracts to be prescribed, and the work to be performed, where necessary, without regard to such statutory provisions as relate to the negotiation, making, and performance of contracts and performance of work in the United States and without regard to section 529 of title 31.

(May 7, 1926, ch. 250, § 3, 44 Stat. 404; Aug. 12, 1963, Pub. L. 88-94, § 2(c), 77 Stat. 122.)

AMENDMENTS

1963—Pub. L. 88-94 deleted ", subject to the direction of the commission," preceding "be used" and "in the judgment of the commission," following "where necessary," and added "and without regard to section 529 of title 31".

§ 294a. Contracts requiring payment in foreign currency

Whenever a contract is made for the construction, alteration, or repair of a Foreign Service building which requires payments in a foreign currency, the Secretary of State is authorized to purchase such currency at such times and in such amounts (within the total amount of the payments to be made under such contract) as he may deem necessary, the currency so purchased to be disbursed and accounted for at its cost price.

(May 14, 1940, ch. 189, title I, 54 Stat. 186.)

CODIFICATION

Section was not enacted as a part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

PRIOR PROVISIONS

Prior similar provisions were contained in act June 29, 1939, ch. 248, title I, § 101, 58 Stat. 890.

§ 295. Appropriations; Foreign Service Building Fund; expenditures; foreign currencies

(a) For the purpose of carrying into effect the provisions of this chapter there is authorized to be appropriated an amount not exceeding $10,000,000, and the appropriations made pursuant to this authorization shall constitute a fund to be known as the Foreign Service Building Fund, to remain available until expended. Under this authorization not more than $2,000,000 shall be appropriated for any one year, but within the total authorization provided in this chapter the Secretary of State may enter into contracts for the acquisition of the buildings and grounds authorized by this chapter. In the case of the buildings and grounds authorized by this chapter, after the initial alterations, repairs, and furnishing have been completed, subsequent expenditures for such purposes may be made out of the appropriations authorized by this chapter in amounts authorized by the Congress each fiscal year.

(b) For the purpose of carrying into effect the provisions of this chapter there is authorized to be appropriated, in addition to amounts previously authorized, an amount not to exceed $90,000,000, which shall be available exclusively for payments representing the value, in whole or in part, of property or credits in accordance with the provisions of section 295b of this title. Sums appropriated pursuant to this authorization shall remain available until expended.

(c) For the purpose of carrying into effect the provisions of this chapter there is hereby authorized to be appropriated, in addition to amounts previously authorized, an amount not to exceed $10,000,000, which shall remain available until expended.

(d) In addition to amounts authorized before the date of enactment of this section, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition, by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this chapter, and for major alterations of buildings acquired under this chapter, the following sums—

(A) for use in Africa, not to exceed $7,140,000 of which not to exceed $3,270,000 may be appropriated for the fiscal year 1964;

(B) for use in the American Republics, not to exceed $5,360,000, of which not to exceed $4,030,000 may be appropriated for the fiscal year 1964;

(C) for use in Europe, not to exceed $6,839,000, of which not to exceed $1,820,000 may be appropriated for the fiscal year 1964;

(D) for use in the Far East, not to exceed $2,350,000, of which not to exceed $2,200,000 may be appropriated for the fiscal year 1964;

(E) for use in the Near East, not to exceed $2,710,000, of which not to exceed $2,100,000 may be appropriated for the fiscal year 1964;

(F) for facilities for the United States Information Agency, not to exceed $1,125,000, of which not to exceed $720,000 may be appropriated for the fiscal year 1964, and

(G) for facilities for agricultural and defense attaché housing, not to exceed $800,000, of which not to exceed $400,000 may be appropriated for the fiscal year 1964;

(2) for use to carry out the other purposes of this chapter, not to exceed $11,500,000 for the fiscal year 1964, $12,000,000 for the fiscal year 1965, $12,200,000 for the fiscal year 1966, $12,400,000 for the fiscal year 1967.

(e) For the purpose of carrying into effect the provisions of this chapter in South Vietnam, there is hereby authorized to be appropriated, in addition to amounts previously authorized prior to May 21, 1965, $2,600,000, to remain available until expended.

(f) In addition to amounts authorized before October 10, 1966, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this chapter, and for major alterations of buildings acquired under this chapter, the following sums—

(A) for use in Africa, not to exceed $5,485,000, of which not to exceed $1,885,000 may be appropriated for the fiscal year 1967;

(B) for use in the American Republics, not to exceed $7,920,000, of which not to exceed $3,585,000 may be appropriated for the fiscal year 1967;

(C) for use in Europe, not to exceed $3,310,000, of which not to exceed $785,000 may be appropriated for the fiscal year 1967;

(D) for use in the Far East, not to exceed $3,150,000, of which not to exceed $560,000 may be appropriated for the fiscal year 1967;

(E) for use in the Near East, not to exceed $6,930,000, of which not to exceed $1,890,000 may be appropriated for the fiscal year 1967;

(F) for facilities for the United States Information Agency, not to exceed $615,000, of which not to exceed $430,000 may be appropriated for the fiscal year 1967;

(G) for facilities for agricultural and defense attaché housing, not to exceed $800,000, of which not to exceed $400,000 may be appropriated for the fiscal year 1967;

(2) for use to carry out the other purposes of this chapter, not to exceed $12,600,000 for the fiscal year 1968, not to exceed $12,750,000 for the fiscal year 1969, not to exceed $13,500,000 for the fiscal year 1970, not to exceed $14,300,000 for the fiscal year 1971, not to exceed $15,000,000 for the fiscal year 1972, and not to exceed $15,900,000 for the fiscal year 1973.

(g) In addition to amounts authorized before June 22, 1973, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this chapter, and for major alterations of buildings acquired under this chapter, the following sums—

(A) for use in Africa, not to exceed $850,000, of which not to exceed $631,000 may be appropriated for the fiscal year 1974;

(B) for use in the American Republics, not to exceed $240,000, of which not to exceed $240,000 may be appropriated for the fiscal year 1974;

(C) for use in Europe, not to exceed $682,000, of which not to exceed $204,000 may be appropriated for the fiscal year 1974;

(D) for use in East Asia, not to exceed $1,243,000, of which not to exceed $985,000 may be appropriated for the fiscal year 1974;

(E) for use in the Near East and South Asia, not to exceed $10,433,000, of which not to exceed $2,287,000 may be appropriated for the fiscal year 1974;

(F) for facilities for the United States Information Agency, not to exceed $45,000 for use beginning in the fiscal year 1975;

(G) for facilities for agricultural and defense attaché housing, not to exceed $318,000 for use beginning in the fiscal year 1974; and

(2) for use to carry out other purposes of this chapter for fiscal years 1974 and 1975, $48,532,000, of which not to exceed $23,066,000 may be appropriated for fiscal year 1974.

(h) In addition to amounts authorized before November 29, 1975, there is authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this chapter, and for major alterations of buildings acquired under this chapter, the following sums—

(A) for use in Africa, not to exceed $865,000 for the fiscal year 1977;

(B) for use in the American Republics, not to exceed $2,450,000 for the fiscal year 1977;

(C) for use in Europe, not to exceed $6,725,000 for fiscal year 1977;

(D) for use in East Asia, not to exceed $875,000 for the fiscal year 1977;

(E) for use in the Near East and South Asia, not to exceed $8,005,000, of which not to exceed $3,985,000 may be appropriated for the fiscal year 1976;

(F) for facilities for the United States Information Agency, not to exceed $3,745,000, of which not to exceed $2,800,000 may be appropriated for the fiscal year 1976; and

(G) for facilities for agricultural and defense attaché housing, not to exceed $420,000 for the fiscal year 1977; and

(2) for use to carry out the other purposes of this chapter for fiscal years 1976 and 1977, $73,058,000, of which not to exceed $32,840,000 may be appropriated for fiscal year 1976.

(i)(1) Sums appropriated under authority of this chapter shall remain available until expended. To the maximum extent feasible, expenditures under this chapter shall be made out of foreign currencies owned by or owed to the United States.

(2) Not to exceed 10 per centum of the funds authorized by any subparagraph under paragraph (1) of subsections (d), (f), (g), and (h) of this section may be used for any of the purposes for which funds are authorized under any other subparagraph of any of such paragraph (1).

(3) There are hereby authorized to be appropriated to the Secretary of State such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(j) For the purpose of carrying into effect the provisions of this chapter in the Union of Soviet Socialist Republics, there is authorized to be appropriated, in addition to amounts authorized prior to July 13, 1976, $30,000,000, which amount is authorized to remain available until expended.

(May 7, 1926, ch. 250, § 4, 44 Stat. 404; June 19, 1952, ch. 446, § 2, 66 Stat. 140; Sept. 8, 1960, Pub. L. 86-723, § 49, 74 Stat. 847; Aug. 12, 1963, Pub. L. 88-94, §§ 1, 2(d), 77 Stat. 121, 122; Aug. 10, 1964, Pub. L. 88-414, 78 Stat. 387; May 21, 1965, Pub. L. 89-22, 79 Stat. 112; Oct. 10, 1966, Pub. L. 89-636, § 1, 80 Stat. 881; July 30, 1968, Pub. L. 90-442, 82 Stat. 461; Dec. 24, 1970, Pub. L. 91-586, 84 Stat. 1578; June 22, 1973, Pub. L. 93-47, 87 Stat. 98; Apr. 12, 1974, Pub. L. 93-263, 88 Stat. 83; Nov. 29, 1975, Pub. L. 94-141, title I, § 171, 89 Stat. 760; July 12, 1976, Pub. L. 94-350, title I, § 109, 90 Stat. 824.)

REFERENCES IN TEXT

Section 295b of this title, referred to in subsec. (b), was omitted from the Code as executed.

Date of enactment of this section, referred to in subsec. (d), probably means the date of enactment of Pub. L. 88-94, which was approved on Aug. 12, 1963.

AMENDMENTS

1976—Subsec. (h)(2). Pub. L. 94-350, § 109(1), increased appropriations authorization for fiscal years 1976 and 1977 to $73,058,000 from $71,600,000.

Subsec. (j). Pub. L. 94-350, § 109(2), added subsec. (j).

1975—Subsec. (g)(1). Pub. L. 94-141, § 171(a), substituted "$850,000" for "$2,190,000" in subpar. (A), "$240,000" for "$375,000" in subpar. (B), "$682,000" for "$4,780,000" in subpar. (C), "$1,243,000" for "$2,585,000" in subpar. (D), and "$10,433,000" for "$3,518,000" in subpar. (E).

Subsec. (h). Pub. L. 94-141, § 171(b)(1), added subsec. (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 94-141, § 171(b), redesignated former subsec. (h) as (i), and, as so redesignated, in par. (2) added reference to subsec. (h) of this section.

1974—Subsec. (g)(1). Pub. L. 93-263, § 1(1)-(3), increased appropriations authorization for fiscal year 1974, in subpar. (A) to $631,000 from $590,000, in subpar. (C) to $204,000 from $160,000, and in subpar. (E) to $2,287,000 from $2,218,000.

Subsec. (g)(2). Pub. L. 92-263, § 1(4), increased appropriations authorization for fiscal years 1974 and 1975 to $48,532,000 from $45,800,000 and increased limitation for fiscal year 1974, to $23,066,000 from $21,700,000.

1973—Subsec. (g). Pub. L. 93-47, § 1(1), added subsec. (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 93-47, § 1(1), (2), redesignated former subsec. (g) as (h), deleted from par. (2) provision for application of the paragraph beginning with the fiscal year 1966, inserted reference to subsec. (g), and added par. (3), respectively.

1970—Subsec. (f)(2). Pub. L. 91-586 authorized appropriations of not more than $15,000,000 for fiscal year 1972, and not more than $15,900,000 for fiscal year 1973.

1968—Subsec. (f)(2). Pub. L. 90-442 authorized appropriations not to exceed $13,500,000 for the fiscal year 1970, and not to exceed $14,300,000 for the fiscal year 1971.

1966—Subsec. (d). Pub. L. 89-636, § 1(1), struck out last three sentences providing for availability of appropriated funds until expended, use of foreign currencies for expenditures, and use of funds authorized by any subpar. of par. (1) of subsec. (d), now incorporated in subsec. (g)(1) and (2) of this section, respectively.

Subsec. (e). Pub. L. 89-636, § 1(2), substituted "$2,600,000" for "$1,000,000".

Subsec. (f). Pub. L. 89-636, § 1(3), added subsec. (f).

Subsec. (g). Pub. L. 89-636, § 1(3), redesignated former second and third sentences of subsec. (d) as par. (1) and former last sentence of such subsec. (d) as par. (2), inserting therein provision for use of funds authorized by any subpar. of par. (1) of subsec. (f).

1965—Subsec. (e). Pub. L. 89-22 added subsec. (e).

1964—Subsec. (d). Pub. L. 88-414 authorized appropriations of not more than $12,200,000 for fiscal year 1966, $12,400,000 for fiscal year 1967, and beginning with fiscal year 1966, permitted use of not more than 10 per centum of the funds authorized for any subparagraph under par. (1) of this subsection for the purposes of any other subparagraph of such par. (1).

1963—Subsec. (a). Pub. L. 88-94, § 2(d), deleted ", subject to the direction of the commission," following "Secretary of State".

Subsec. (d). Pub. L. 88-94, § 1, added subsec. (d).

1960—Subsec. (c). Pub. L. 86-723 added subsec. (c).

Subsec. (b). Act June 19, 1952, added subsec. (b).

1952—Subsec. (a). Act June 19, 1952, designated existing provisions as subsec. (a) and permitted the expenditure of the authorized and appropriated funds for continuing alterations, repairs, and furnishings.

Subsec. (b). Act June 19, 1952 added subsec. (b).

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

§§ 295a, 295b. Omitted

CODIFICATION

Section 295a, act May 25, 1938, ch. 275, 52 Stat. 441, which authorized additional appropriations of an amount not to exceed $5,000,000, was omitted from the Code as executed.

Section 295b, act June 25, 1946, ch. 643, 60 Stat. 663, which authorized additional appropriations of an amount not to exceed $125,000,000 of which $110,000,000 was to be used exclusively for the payments representing the value of property or credits held abroad by the Government or owing to the Government which could have been used by the Department of State for buildings, equipment, etc., was omitted from the Code as executed.

DIPLOMATIC ESTABLISHMENTS IN PHILIPPINE ISLANDS

Acts July 9, 1947, ch. 211, title I, § 101, 61 Stat. 288; June 3, 1948, ch. 400, title I, § 1, 62 Stat. 315; July 20, 1949, ch. 354, title I, § 101, 63 Stat. 456, provided in part that the construction of diplomatic and consular establishments in the Philippines should be without regard to the limitation proviso of section 295a.

§ 296. Duties of Secretary of State with respect to commission and properties

For the purposes of this chapter the Secretary of State is authorized to supervise, preserve, maintain, operate, and, when deemed necessary, to insure the Foreign Service properties in foreign countries and the other properties acquired in accordance with the provisions of this chapter; to rent and insure objects of art; to collect information and formulate plans; and, without regard to civil service and classification laws, to obtain architectural and other expert technical services as may be necessary and pay therefor the scale of professional fees

as established by local authority, law or custom, and to make expenditures without regard to section 295a of this title requiring purchase of articles manufactured in the United States.

(May 7, 1926, ch. 250, § 5, 44 Stat. 404; June 19, 1952, ch. 446, § 3, 66 Stat. 140.)

REFERENCES IN TEXT

The civil service laws, referred to in text, are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

The classification laws, referred to in text, are classified generally to chapter 51 (§ 5101 et seq.) and to subchapter III (§ 5331 et seq.) of chapter 53 of Title 5, Government Organization and Employees.

Section 295a of this title, referred to in text, was omitted from the Code as executed.

AMENDMENTS

1952—Act June 19, 1952, amended section generally to authorize Secretary of State to supervise, preserve, maintain, operate, and insure Foreign Service property in foreign countries.

§ 297. Acquisition of property by lease

The authority granted to acquire sites and buildings by purchase or otherwise shall include authority to acquire leaseholds of not less than ten years.

(May 7, 1926, ch. 250, § 6, 44 Stat. 405; June 19, 1952, ch. 446, § 4, 66 Stat. 140.)

AMENDMENTS

1952—Act June 19, 1952, provided for leaseholds of not less than 10 years.

§ 297a. Omitted

CODIFICATION

Section, which related to leaseholds of not less than ten years, was from the Department of State Appropriation Act, 1953, act July 10, 1952, ch. 651, title I, § 101, 66 Stat. 550, and was not repeated in subsequent appropriation acts.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

1951—Oct. 22, 1951, ch. 533, title I, § 101, 65 Stat. 577.

1950—Sept. 6, 1950, ch. 896, ch. III, title I, § 101, 64 Stat. 610.

1949—July 20, 1949, ch. 354, title I, § 101, 63 Stat. 449.

§ 298. Omitted

CODIFICATION

Section, act May 7, 1926, ch. 250, § 7, 44 Stat. 405, repealed act Feb. 17, 1911, ch. 105, 36 Stat. 917, incorporated as section 133 of this title, with a provision that the repeal "shall not invalidate appropriations already made under the authority of such Act."

§ 299. Short title

This chapter may be cited as the "Foreign Service Buildings Act, 1926."

(May 7, 1926, ch. 250, § 8, 44 Stat. 405.)

§ 300. Sales, exchanges, leases, or licenses of property; property damage or destruction payments; gifts of property or services; disposition of proceeds; report to Congress

(a) The Secretary of State is authorized—

(1) to sell, exchange, lease, or license any property or property interest acquired under this chapter, or under other authority, for use of diplomatic and consular establishments in foreign countries,

(2) to receive payment in whatever form, or in kind, he determines to be in the interest of the United States for damage to or destruction of property acquired for use of diplomatic and consular establishments abroad, and the contents of such buildings, and

(3) to accept on behalf of the United States gifts of property or services of any kind made by will or otherwise for the purposes of this chapter.

(b) Proceeds derived from dispositions, payments, or gifts under subsection (a) of this section shall, notwithstanding the provisions of any other law, be applied toward acquisition, construction, or other purposes authorized by this chapter or held in the Foreign Service Buildings Fund, as in the judgment of the Secretary may best serve the Government's interest: *Provided*, That the Secretary shall report all such transactions annually to the Congress with the budget estimates of the Department of State.

(May 7, 1926, ch. 250, § 9, as added Apr. 19, 1945, ch. 78, 59 Stat. 53, and amended Aug. 12, 1963, Pub. L. 88-94, § 2(e), 77 Stat. 122; Oct. 10, 1966, Pub. L. 89-636, § 3, 80 Stat. 882.)

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-636 substituted provisions designated as subsec. (a) and authorizing the Secretary to sell, exchange, lease, or license any property or property interest acquired under this chapter, to receive payment in whatever form, or in kind, for damage to or destruction of buildings or their contents, and to accept gifts of property or services for former provisions which authorized the Secretary, when he found it to be in the Government's interest, to sell buildings and grounds acquired for use of diplomatic and consular establishments in foreign countries.

Subsec. (b). Pub. L. 89-636 substituted provisions designated as subsec. (b) and providing for application of proceeds derived from dispositions, payments, or gifts under subsec. (a) toward acquisition, construction, or other purposes authorized by this chapter, as in the judgment of the Secretary may best serve the Government's interest, for former provision for application of proceeds of sales toward purchase and construction, furnishing, and preservation of other properties.

1963—Pub. L. 88-94 deleted "with the concurrence of the Foreign Service Buildings Commission," following "Government," and ", as in the judgment of the Commission may best serve the Government's interest" following "Foreign Service building fund".

§ 301. Lease or rental arrangements of not less than ten years; approval by Secretary; delegation of authority; information to Congress

Notwithstanding the provisions of this chapter or any other Act, no lease or other rental arrangement for a period of less than ten years, and requiring an annual payment in excess of $25,000, shall be entered into by the Secretary

of State for the purpose of renting or leasing offices, buildings, grounds, or living quarters for the use of the Foreign Service abroad, unless such lease or other rental arrangement is approved by the Secretary. The Secretary may delegate his authority under this section only to the Deputy Under Secretary of State for Administration or to the Director of the Office of Foreign Buildings. The Secretary shall keep the Congress fully and currently informed with respect to leases or other rental arrangements approved under this section.

(May 7, 1926, ch. 250, § 10, as added Oct. 10, 1966, Pub. L. 89-636, § 4, 80 Stat. 882.)

CHAPTER 9—FOREIGN WARS, WAR MATERIALS, AND NEUTRALITY

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461. Enforcement by courts; employment of land or naval forces.
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PROCLAMATIONS RESPECTING WAR AND NEUTRALITY

See notes preceding section 1 of Title 50, Appendix, War and National Defense.

SUBCHAPTER I—WAR MATERIALS

§ 401. Illegal exportation of war materials

(a) Seizure and forfeiture of materials and carriers

Whenever an attempt is made to export or ship from or take out of the United States any arms or munitions of war or other articles in violation of law, or whenever it is known or there shall be probable cause to believe that any arms or munitions of war or other articles are intended to be or are being or have been exported or removed from the United States in violation of law, the Secretary of the Treasury, or any person duly authorized for the purpose by the President, may seize and detain such arms or munitions of war or other articles and may seize and detain any vessel, vehicle, or aircraft containing the same or which has been or is being used in exporting or attempting to export such arms or munitions of war or other articles. All arms or munitions of war and other articles, vessels, vehicles, and aircraft seized pursuant to this subsection shall be forfeited.

(b) Applicability of laws relating to seizure, forfeiture, and condemnation

All provisions of law relating to seizure, summary and judicial forfeiture and condemnation for violation of the customs laws, the disposition of the property forfeited or condemned or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Awards of compensation to informers under this section may be paid only out of funds specifically appropriated therefor.

(c) Disposition of forfeited materials

Arms and munitions of war forfeited under subsection (b) of this section shall be delivered to the Secretary of Defense for such use or disposition as he may deem in the public interest, or, in the event that the Secretary of Defense refuses to accept such arms and munitions of war, they shall be sold or otherwise disposed of as prescribed under existing law in the case of forfeitures for violation of the customs laws.

(June 15, 1917, ch. 30, title VI, § 1, 40 Stat. 223; June 17, 1930, ch. 497, title IV, § 523, 46 Stat. 740; Aug. 13, 1953, ch. 434, § 1, 67 Stat. 577.)

REFERENCES IN TEXT

The customs laws, referred to in subsecs. (b) and (c), are classified generally to Title 19, Customs Duties.

AMENDMENTS

1953—Act Aug. 13, 1953, provided not only seizure and forfeiture of articles or merchandise which are being, or are intended to be illegally exported, and the

vehicle, vessel, or aircraft in which exportation is intended to accomplish, but also for the seizure and forfeiture of articles or merchandise actually illegally exported out, the carrier used to effectuate the exportation, provided for applicability of laws relating to seizure, summary and judicial forfeiture and condemnation, and provided for the disposition of seized materials.

1930—Act June 17, 1930, substituted "comptrollers of customs" for "Naval officers of customs".

EX. ORD. NO. 10863. AUTHORIZATION OF ATTORNEY GENERAL TO SEIZE ARMS AND MUNITIONS OF WAR, AND OTHER ARTICLES

Ex. Ord. No. 10863, Feb. 18, 1960, 25 F.R. 1507, provided:

By virtue of the authority vested in me by section 1 of Title VI of the act of June 15, 1917, 40 Stat. 223, as amended by section 1 of the act of August 13, 1953, 67 Stat. 577 (22 U.S.C. 401), it is ordered as follows:

SECTION 1. The Attorney General is hereby designated under section 1 of Title VI of the act of June 15, 1917, as amended by section 1 of the act of August 13, 1953 [this section], as a person duly authorized to seize and detain arms or munitions of war or other articles, and to seize and detain any vessel, vehicle, or aircraft containing such items or which has been, or is being, used in exporting or attempting to export such arms or munitions of war or other articles, whenever an attempt is made to export or ship from or take out of the United States such arms or munitions of war or other articles in violation of law, or whenever it is known, or there is probable cause to believe, that such arms or munitions of war or other articles are intended to be, or are being or have been, exported or removed from the United States in violation of law.

SEC. 2. The authority conferred upon the Attorney General by section 1 of this order may be exercised by any officer of the Department of Justice designated for such purpose by the Attorney General.

DWIGHT D. EISENHOWER.

CROSS REFERENCES

Enforcement provisions, see section 1581 et seq. of Title 19, Customs Duties.

Letters or writings nonmailable, see section 1717 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 408, 408a of this title.

§§ 402 to 405. Repealed. Aug. 13, 1953, ch. 434, § 2, 67 Stat. 577

Section 402, act June 15, 1917, ch. 30, title VI, § 2, 40 Stat. 224, related to issuance of warrant for detention of seized property.

Section 403, act June 15, 1917, ch. 30, title VI, § 3, 40 Stat. 224, related to filing petition for restoration of seized property.

Section 404, acts June 15, 1917, ch. 30, title VI, § 4, 40 Stat. 224; Mar. 1, 1929, ch. 420, 45 Stat. 1423, related to institution of libel proceedings and sale of seized property.

Section 405, act June 15, 1917, ch. 30, title VI, § 5, 40 Stat. 224, related to method of trial and bond for redelivery.

Subject matter of sections 402 to 405 of this title is covered by section 401 of this title.

§ 406. Interference with foreign trade

Except in those cases in which the exportation of arms and munitions of war or other articles is forbidden by proclamation or otherwise by the President, as provided in section 401 of this title, nothing herein contained shall be construed to extend to, or interfere with any trade in such commodities, conducted with any foreign port or place wheresoever, or with any other trade which might have been lawfully carried on before June 15, 1917, under the law of nations, or under the treaties or conventions entered into by the United States, or under the laws thereof.

(June 15, 1917, ch. 30, title VI, § 6, 40 Stat. 225.)

REFERENCES IN TEXT

"Herein", referred to in text, means act June 15, 1917, ch. 30, title VI, 40 Stat. 223. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 408, 408a of this title.

§ 407. Repealed. Aug. 13, 1953, ch. 434, § 2, 67 Stat. 577

Section, act June 15, 1917, ch. 30, title VI, § 7, 40 Stat. 225, related to President's discretion to release seized property and is covered by section 401 of this title.

§ 408. Use of land and naval forces to prevent exportation

The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of sections 401 to 408 of this title.

(June 15, 1917, ch. 30, title VI, § 8, 40 Stat. 225.)

REFERENCES IN TEXT

Sections 402 to 405 and 407, included within the reference to sections 401 to 408 of this title, were repealed by act Aug. 13, 1953, ch. 434, § 2, 67 Stat. 577, and are covered by section 401 of this title.

AIR FORCE

For transfer of certain functions insofar as they pertain to the Air Force, and to the extent that they were not previously transferred to the Secretary of the Air Force from the Secretary of the Army, see Secretary of Defense Transfer Order No. 40 [App. A(1)], July 22, 1949.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 401, 408a of this title.

§ 408a. "United States" defined

The term "United States" as used in this Act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

(June 15, 1917, ch. 30, title XIII, § 1, 40 Stat. 231.)

REFERENCES IN TEXT

This Act, referred to in text, means act June 15, 1917, ch. 30, 40 Stat. 217, which enacted sections 31 to 39, 98, 130 to 133, 288, 343 to 346, 381, 502, 535, 536, 574, and 611 to 633 of former Title 18, Criminal Code and Criminal Procedure, sections 213, 231 to 233, 235, 401 to 408a, 462, and 465 of this title, and sections 30 to 42, 191, and 192 to 195 of Title 50, War and National Defense, and amended sections 25, 27, and 349 of former Title 18.

§§ 409, 410. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section 409, act Jan. 31, 1922, ch. 44, § 1, 42 Stat. 361, related to prohibition against exportation of arms to American countries or countries under American juris-

diction in a state of domestic violence, and is covered by section 1934 of this title.

Section 410, act Jan. 31, 1922, ch. 44, § 2, 42 Stat. 361, related to penalties, and is covered by section 1934 of this title.

§§ 411 to 419. Omitted

CODIFICATION

Section 411, act Mar. 11, 1941, ch. 11, § 2, 55 Stat. 31, defined "defense article" and "defense information" for purpose of lease, loan, etc., of war materials in interest of United States defense.

Section 412, acts Mar. 11, 1941, ch. 11, § 3, 55 Stat. 31; Mar. 11, 1943, ch. 15, 57 Stat. 20; May 17, 1944, ch. 198, §§ 1, 2, 58 Stat. 222, 223; Apr. 16, 1945, ch. 61, §§ 1, 2, 59 Stat. 52, provided for procurement for and transfer of defense articles to other countries, repairs, limitation on amount, termination of powers after June 30, 1946, or after passage of concurrent resolution by both Houses before June 30, 1946, whichever is the earlier, naval convoys, and combat area navigation.

Section 412a, act Mar. 18, 1943, ch. 17, title I, § 1, 57 Stat. 25, provided for lease of merchant vessels for duration of war.

Section 413, act Mar. 11, 1941, ch. 11, § 4, 55 Stat. 32, provided for contract restrictions against disposal of transferred articles by transferee governments.

Section 414, act Mar. 11, 1941, ch. 11, § 5, 55 Stat. 32, provided for information regarding articles exported and reports to Congress. Section 5(b) of act Mar. 11, 1941, ch. 11, 55 Stat. 32, formerly classified to section 414(b) of this title, provided for reports with respect to operations under the Lend-Lease Act, and was repealed by Pub. L. 89-348, § 1(19), Nov. 8, 1965, 79 Stat. 1311.

Section 415, acts Mar. 11, 1941, ch. 11, § 6, 55 Stat. 33; Mar. 11, 1943, ch. 15, 57 Stat. 20; May 17, 1944, ch. 198, § 1, 58 Stat. 222; Apr. 16, 1945, ch. 61, § 1, 59 Stat. 52; July 25, 1947, ch. 327, § 1, 61 Stat. 449, authorized appropriations.

Section 416, act Mar. 11, 1941, ch. 11, § 7, 55 Stat. 33, provided for protection of patent rights.

Section 417, act Mar. 11, 1941, ch. 11, § 8, 55 Stat. 33, provided for acquisition of war materials from foreign governments.

Section 418, act Mar. 11, 1941, ch. 11, § 9, 55 Stat. 33, authorized executive promulgation of rules and regulations and delegation of powers.

Section 419, act Mar. 11, 1941, ch. 11, § 10, 55 Stat. 33, related to effect of act Mar. 11, 1941 on existing laws relating to use of land and naval forces.

ADDITIONAL DEFENSE AID TO OTHER COUNTRIES; LEASE OF CERTAIN SHIPS, BARGES, ETC.

Acts Feb. 7, 1942, ch. 46, title III, § 301, 56 Stat. 82; Oct. 26, 1942, ch. 629, title I, § 103, 56 Stat. 994; Feb. 19, 1943, ch. 1, § 4, 57 Stat. 4, June 26, 1943, ch. 147, § 118, 57 Stat. 217; June 22, 1944, ch. 269, § 121, 58 Stat. 322; May 29, 1945, ch. 130, § 119, 59 Stat. 222, provided for additional defense aid to countries deemed vital to the defense of the United States and for the lease of ships for periods not extending beyond the termination of the national emergency.

LIMITATION ON APPROPRIATIONS

Act Apr. 28, 1942, ch. 247, title II, § 201, 56 Stat. 233, provided that limitation of $2,500,000,000 shall apply to all appropriations made to the Navy Department since Mar. 11, 1941.

REDUCTION IN VALUE OF DEFENSE ARTICLES

The value of defense articles was reduced to $800,000,000 by act Dec. 17, 1941, ch. 591, title I, § 102, 55 Stat. 813, and as thus limited was made inapplicable to the War Department after Dec. 17, 1941.

DEFINITIONS

Act Mar. 5, 1942, ch. 141, title III, § 303, 56 Stat. 131, provided that the term "defense article" shall be deemed to include defense information and services, and the expenses in connection with the procurement or supplying of defense articles, information, and services.

§ 420. Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449

Section, acts May 2, 1941, ch. 84, § 5, 55 Stat. 150; June 16, 1942, ch. 416, 56 Stat. 370, related to application of sections 1119a and 1119b of Title 46, Shipping, to functions of the former Maritime Commission under sections 411, 412 and 413 to 419 of this title.

§ 421. Contracts by Government agencies for defense articles, services, etc., for foreign governments in interests of United States

The President may, from time to time, when he deems it in the interest of national defense, authorize the head of any department or agency of the Government, to enter into contracts for the procurement of defense articles, information, or services for the government of any country whose defense the President deems vital to the defense of the United States, to the extent that such government agrees to pay the United States for such defense articles, information, or services prior to the receipt thereof and to make such payments from time to time as the President may require to protect the interests of the United States; and, upon payment of the full cost, the President may dispose of such articles, information, or services to such government: *Provided*, That the total amount of the outstanding contracts under this section, less the amounts which have been paid to the United States under such contracts, shall at no time exceed $600,000,000.

(Oct. 28, 1941, ch. 460, title I, § 102, 55 Stat. 746.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 422 of this title.

§ 422. Retention for United States of defense articles procured for foreign governments

Any defense article procured pursuant to section 421 of this title shall be retained by or transferred to and for the use of such department or agency of the United States as the President may determine, in lieu of being disposed of to a foreign government, whenever in the judgment of the President the defense of the United States will be best served thereby.

(Oct. 28, 1941, ch. 460, title I, § 103, 55 Stat. 747.)

§ 423. Omitted

CODIFICATION

Section, act June 14, 1943, ch. 122, § 2, 57 Stat. 152, related to retention for defense of United States of certain articles, information or service procured for foreign governments from funds appropriated by act June 14, 1943 or prior acts appropriating funds to the President for such purposes.

SUBCHAPTER II—NEUTRALITY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 613, 2393 of this title.

§ 441. Proclamation of state of war between foreign states

(a) Whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.

(b) Whenever the state of war which shall have caused the President to issue any proclamation under the authority of this section shall have ceased to exist with respect to any state named in such proclamation, he shall revoke such proclamation with respect to such state.

(Nov. 4, 1939, ch. 2, § 1, 54 Stat. 4.)

Short Title

Section 20 of Joint Res. Nov. 4, 1939, provided that: "This joint resolution [enacting this subchapter] may be cited as the 'Neutrality Act of 1939'."

Repeals

Section 19 of Joint Res. Nov. 4, 1939, provided that: "The joint resolution of August 31, 1935, as amended [sections 245a to 245i of this title], and the joint resolution of January 8, 1937 [ch. 1, 50 Stat. 3], are hereby repealed; but offenses committed and penalties, forfeitures, or liabilities incurred under either of such joint resolutions prior to the date of enactment of this joint resolution [this subchapter] may be prosecuted and punished, and suits and proceedings for violations of either of such joint resolutions or of any rule or regulation issued pursuant thereto may be commenced and prosecuted, in the same manner and with the same effect as if such joint resolutions had not been repealed."

Neutrality Act of 1939 not to be deemed repealed or modified in any manner by Joint Res. May 7, 1940, ch. 185, 54 Stat. 179, according to section 3 thereof, which resolution amended section 5(b) of the Trading With the Enemy Act, see sections 95a of Title 12, Banks and Banking, and 5(b) of Title 50, Appendix, War and National Defense, which resolution approved and confirmed Ex. Ord. No. 8389, amending Ex. Ord. No. 6560, set out in note under section 95a of said Title 12, and regulations and general rulings issued by Secretary of Treasury under Ex. Ord. No. 8389.

Separability of Provisions

Section 17 of Joint Res. Nov. 4, 1939, provided that: "If any of the provisions of this joint resolution [this subchapter], or the application thereof to any person or circumstance, is held invalid, the remainder of the joint resolution, and the application of such provision to other persons or circumstances, shall not be affected thereby."

Purpose of and Rights Reserved Under Subchapter

The purpose of Joint Res. Nov. 4, 1939, was expressed in the first three paragraphs of the act as follows:

"Whereas the United States, desiring to preserve its neutrality in wars between foreign states and desiring also to avoid involvement therein, voluntarily imposses upon its nationals by domestic legislation the restrictions set out in this joint resolution [this subchapter]; and

"Whereas by so doing the United States waives none of its own rights or privileges, or those of any of its nationals, under international law, and expressly reserves all the rights and privileges to which it and its nationals are entitled under the law of nations; and

"Whereas the United States hereby expressly reserves the right to repeal, change or modify this [this subchapter] or any other domestic legislation in the interests of the peace, security or welfare of the United States and its people."

Cross References

Proclamations respecting war and neutrality, see notes preceding section 1 of Title 50, Appendix, War and National Defense.

Section Referred to in Other Sections

This section is referred to in sections 444, 445, 447, 448, 450 of this title.

§§ 442, 443. Repealed. Nov. 17, 1941, ch. 473, § 1, 55 Stat. 764

Section 442, Joint Res. Nov. 4, 1939, ch. 2, § 2, 54 Stat. 4, related to commerce with states engaged in armed conflict.

Section 443, Joint Res. Nov. 4, 1939, ch. 2, § 3, 54 Stat. 7, related to combat areas.

Definition of Combat Areas

Proc. No. 2376, Nov. 4, 1939, 3 p.m., 4 F.R. 4495, 54 Stat. 2673; Proc. No. 2394, Apr. 10, 1940, 5 F.R. 1400, 54 Stat. 2693; Proc. No. 2410, June 11, 1940, 5:20 p.m. E.S.T., 5 F.R. 2209, 54 Stat. 2708, as modified by Proc. No. 2474, Apr. 10, 1941, 6 F.R. 1905, 55 Stat. 1628, defined various combat areas.

§ 444. American Red Cross vessels

(a) The provisions of section 442(a) of this title shall not prohibit the transportation by vessels, unarmed and not under convoy, under charter or other direction and control of the American Red Cross of officers and American Red Cross personnel, medical personnel, and medical supplies, food, and clothing, for the relief of human suffering: *Provided*, That where permission has not been given by the blockading power, no American Red Cross vessel shall enter a port where a blockade by aircraft, surface vessel, or submarine is being attempted through the destruction of vessels, or into a port of any country where such blockade of the whole country is being so attempted: *Provided further*, That such American Red Cross vessel shall be on a mission of mercy only and carrying only Red Cross materials and personnel.

(b) The provisions of sections 442(a) and 443 of this title shall not prohibit a vessel, in ballast, unarmed, and not under convoy, and transporting refugee children, under sixteen years of age, from war zones, or combat areas, and shall not prohibit such vessel entering into such war zones or combat areas for this purpose, together with such necessary American citizen adult personnel in charge as may be approved by the Secretary of State, subject to the provisions of the immigration laws, if such vessel is proceeding under safe conduct granted by all of the States named in the proclamations issued under the authority of section 441(a) of this title, and if such vessel has painted on a large scale prominently, distinctly, and unmistakably on each side thereof and upon the superstructure thereof plainly visible from the air an American flag and a statement to the effect that such vessel is a refugee-child rescue ship of the United States or under United States registry: *Provided*, That every such child so brought into the United States shall, previous to depar-

ture from the port of embarkation, have been so sponsored by some responsible American person, natural or corporate, that he will not become a public charge.

(Nov. 4, 1939, ch. 2, § 4, 54 Stat. 7; June 26, 1940, ch. 431, 54 Stat. 611; Aug. 27, 1940, ch. 695, 54 Stat. 866.)

REFERENCES IN TEXT

Sections 442(a) and 443 of this title, referred to in subsecs. (a) and (b), were repealed by act Nov. 17, 1941, ch. 473, § 1, 55 Stat. 764.

The immigration laws, referred to in subsec. (b), mean chapter 12 (§ 1101 et seq.) of Title 8, Aliens and Nationality, and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, deportation, or expulsion of aliens. See section 1101(a)(17) of Title 8.

AMENDMENTS

1940—Act June 26, 1940, inserted "unarmed and not under convoy", added the two proviso clauses and deleted "proceeding under safe conduct granted by states named in any proclamation issued under the authority of section 441(a) of this title" following "control of the American Red Cross".

Act Aug. 27, 1940, designated existing provisions as subsec. (a) and added subsec. (b).

§ 445. Travel on vessels of belligerent states

(a) Whenever the President shall have issued a proclamation under the authority of section 441(a) of this title it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of any state named in such proclamation, except in accordance with such rules and regulations as may be prescribed.

(b) Whenever any proclamation issued under the authority of section 441(a) of this title shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

(Nov. 4, 1939, ch. 2, § 5, 54 Stat. 7.)

§ 446. Repealed. Nov. 17, 1941, ch. 473, § 2, 55 Stat. 764

Section, Joint Res. Nov. 4, 1939, ch. 2, § 6, 54 Stat. 7, prohibited the arming of American merchant vessels.

EFFECTIVE DATE OF REPEAL

Joint Res. Nov. 17, 1941, § 2, was repealed, effective July 1, 1948, by Joint Res. July 25, 1947, ch. 327, § 2(a), 61 Stat. 451, which provided that it should remain in full force and effect until such date.

§ 447. Financial transactions

(a) Bonds, securities, or other obligations

Whenever the President shall have issued a proclamation under the authority of section 441(a) of this title, it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any state named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, or political subdivision thereof, issued after the date of such proclamation, or to make any loan or extend any credit (other than necessary credits accruing in connection with the transmission of telegraph, cable, wireless and telephone services) to any such government, political subdivision, or person. The provisions of this subsection shall also apply to the sale by any person within the United States to any person in a state named in any such proclamation of any articles or materials listed in a proclamation referred to in or issued under the authority of section 452(i) of this title.

(b) Renewal or adjustment of indebtedness

The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of such proclamation.

(c) Fine and imprisonment

Whoever shall knowingly violate any of the provisions of this section or of any regulations issued thereunder shall, upon conviction thereof, be fined not more than $50,000 or imprisoned for not more than five years, or both. Should the violation be by a corporation, organization, or association, each officer or director thereof participating in the violation shall be liable to the penalty herein prescribed.

(d) Revocation of proclamation

Whenever any proclamation issued under the authority of section 441(a) of this title shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

(e) Wartime

This section shall not be operative when the United States is at war.

(Nov. 4, 1939, ch. 2, § 7, 54 Stat. 8; Feb. 21, 1942, ch. 104, 56 Stat. 95.)

REFERENCES IN TEXT

Section 452(i) of this title, referred to in subsec. (a), was repealed by act Aug. 26, 1954, ch. 937, title V, § 542(a)(12), 68 Stat. 861, and is covered by section 1934(a) of this title.

AMENDMENTS

1942—Subsec. (e). Joint Res. Feb. 21, 1942, added subsec. (e).

OPERATION OF SECTION POSTPONED UNTIL JULY 1, 1953

Joint Res. July 3, 1952, ch. 570, § 1(b)(7), 66 Stat. 333, as amended by Joint Res. Mar. 31, 1953, ch. 13, § 1, 67 Stat. 18, provided that this section which is normally operative in time of peace shall not be operative by reason of the termination of a state of war on Apr. 28, 1952, but rather (in addition to being inoperative, in accordance with their terms, in time of war) shall continue to be inoperative until 6 months after the termination of the national emergency proclaimed by the President on Dec. 16, 1950, 1950 Proc. 2914, 15 F.R. 9029, set out as a note preceding section 1 of Title 50, Appendix, War and National Defense, or until such earlier date or dates as the Congress may provide, but in no event beyond Apr. 1, 1953.

REPEAL OF PRIOR ACTS CONTINUING SECTION

Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal shall take effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

CROSS REFERENCES

Felony as offense punishable by imprisonment for term exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 448. Solicitation and collection of funds and contributions

(a) Unlawful acts

Whenever the President shall have issued a proclamation under the authority of section 441(a) of this title, it shall thereafter be unlawful for any person within the United States to solicit or receive any contribution for or on behalf of the government of any state named in such proclamation or for or on behalf of any agent or instrumentality of any such state.

(b) Medical aid, food, and clothing

Nothing in this section shall be construed to prohibit the solicitation or collection of funds and contributions to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds and contributions is made on behalf of and for use by any person or organization which is not acting for or on behalf of any such government, but all such solicitations and collections of funds and contributions shall be in accordance with and subject to such rules and regulations as may be prescribed.

(c) Revocation of proclamation

Whenever any proclamation issued under the authority of section 441(a) of this title shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

(Nov. 4, 1939, ch. 2, § 8, 54 Stat. 8.)

§ 449. American republics

This subchapter (except section 452 of this title) shall not apply to any American republic engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war.

(Nov. 4, 1939, ch. 2, § 9, 54 Stat. 8.)

REFERENCES IN TEXT

Section 452 of this title, referred to in text, was repealed by act Aug. 26, 1954, ch. 937, title V, § 542(a)(12), 68 Stat. 861, and is now covered by section 1934(a) of this title.

§ 450. Restrictions on use of American ports

(a) Bond to insure non-delivery of men, ammunition, fuel, etc.

Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic or foreign, whether requiring clearance or not, is about to carry out of a port or from the jurisdiction of the United States, fuel, men, arms, ammunition, implements of war, supplies, dispatches, or information to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 441(a) of this title, but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by section 967 of title 18, and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security or neutrality of the United States, he shall have the power, and it shall be his duty to require the owner, master, or person in command thereof, before departing from a port or from the jurisdiction of the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men, or any fuel, supplies, dispatches, information, or any part of the cargo, to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 441(a) of this title.

(b) Departure prohibited

If the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, has previously departed from a port or from the jurisdiction of the United States during such war and delivered men, fuel, supplies, dispatches, information, or any part of its cargo to a warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 441(a) of this title, he may prohibit the departure of such vessel during the duration of the war.

(c) Alien seaman; bond

Whenever the President shall have issued a proclamation under section 441(a) of this title he may, while such proclamation is in effect, require the owner, master, or person in command of any vessel, foreign or domestic, before departing from the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that no alien seaman who arrived on such vessel shall remain in the United States for a longer period than that permitted under the regulations, as amended from time to time, issued pursuant to section 168 of title 8. Notwithstanding the provisions of said section 168 of title 8, the President may issue such regulations with respect to the landing of such seamen as he deems necessary to insure their departure either on such vessel or another vessel at the expense of such owner, master, or person in command.

(Nov. 4, 1939, ch. 2, § 10, 54 Stat. 9.)

REFERENCES IN TEXT

Section 168 of title 8, referred to in subsec. (c), was repealed by act June 27, 1952, ch. 477, § 403(a)(13), 66 Stat. 279, and is covered by section 1286 of Title 8, Aliens and Nationality.

CODIFICATION

In subsec. (a), "section 967 of title 18" was substituted for "section 1, title V, chapter 30, of the Act approved June 15, 1917 (40 Stat. 217, 221; U.S.C., 1934 edition, title 18, sec. 31)" on authority of act June 25, 1948, ch. 645, 62 Stat. 863, section 1 of which enacted Title 18, Crimes and Criminal Procedures.

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Treasury of authority vested in the President by subsecs. (a) and (b) of this section, see sections 1(n) and 1(o) of Ex.

Ord. No. 10637, Sept. 16, 1955, 20 F.R. 7025, set out as a note under section 301 of Title 3, The President.

§ 451. Submarines and armed merchant vessels

Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.

(Nov. 4, 1939, ch. 2, § 11, 54 Stat. 9.)

Use of United States Ports and Territorial Waters by Submarines of Foreign Nations

By Procs. Nos. 2375, Nov. 4, 1939, 4 F.R. 4494, 54 Stat. 2672; 2400, Apr. 25, 1940, 5 F.R. 1570, 54 Stat. 2699; 2406, May 11, 1940, 5 F.R. 1690, 54 Stat. 2705; 2409, June 10, 1940, 5 F.R. 2192, 54 Stat. 2707; 2445, Nov. 15, 1940, 5 F.R. 4524, 54 Stat. 2672, submarines of France, Germany, Poland, United Kingdom, India, Australia, Canada, New Zealand, Union of South Africa, Norway, Belgium, the Netherlands, Italy, and Greece were denied use of United States ports and territorial waters.

§ 452. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(12), 68 Stat. 861

Section, acts Nov. 4, 1939, ch. 2, § 12, 54 Stat. 10; Jan. 26, 1942, ch. 19, 56 Stat. 19, established the National Munitions Control Board, and is now covered by section 1934 of this title.

Subsec. (h) was additionally repealed by act Aug. 30, 1954, ch. 1076, § 1(28), 68 Stat. 968.

§ 453. Regulations

The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this subchapter; and he may exercise any power or authority conferred on him by this subchapter through such officer or officers, or agency or agencies, as he shall direct.

(Nov. 4, 1939, ch. 2, § 13, 54 Stat. 11.)

Delegation of Powers

Power to make rules and regulations under this subchapter was delegated to the Secretary of State by Proc. No. 2374, promulgated Nov. 4, 1939, 4 F.R. 4493, 54 Stat. 2671. See proclamations preceding section 1 of Title 50, Appendix, War and National Defense.

§ 454. Unlawful use of the American flag

(a) It shall be unlawful for any vessel belonging to or operating under the jurisdiction of any foreign state to use the flag of the United States thereon, or to make use of any distinctive signs or markings, indicating that the same is an American vessel.

(b) Any vessel violating the provisions of subsection (a) of this section shall be denied for a period of three months the right to enter the ports or territorial waters of the United States except in cases of force majeure.

(Nov. 4, 1939, ch. 2, § 14, 54 Stat. 11.)

§ 455. General penalty provision

In every case of the violation of any of the provisions of this subchapter or of any rule or regulation issued pursuant thereto where a specific penalty is not provided in this subchapter, such violator or violators, upon conviction, shall be fined not more than $10,000, or imprisoned not more than two years, or both.

(Nov. 4, 1939, ch. 2, § 15, 54 Stat. 11.)

Cross References

Felony as offense punishable by imprisonment for term exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 456. Definitions

For the purposes of this subchapter—

(a) The term "United States", when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States, the Canal Zone, and the District of Columbia.

(b) The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

(c) The term "vessel" means every description of watercraft and aircraft capable of being used as a means of transportation on, under, or over water.

(d) The term "American vessel" means any vessel documented, and any aircraft registered or licensed, under the laws of the United States.

(e) The term "state" shall include nation, government, and country.

(f) The term "citizen" shall include any individual owing allegiance to the United States, a partnership, company, or association composed in whole or in part of citizens of the United States, and any corporation organized and existing under the laws of the United States as defined in subsection (a) of this section.

(Nov. 4, 1939, ch. 2, § 16, 54 Stat. 12; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

Codification

Words "(including the Philippine Islands)" were deleted from definition of "United States" in subsec. (a) pursuant to the authority of Proc. No. 2695, which granted independence to the Philippines under the provisions of section 1394 of this title, and which is set out as a note under section 1394.

§ 457. Appropriations

There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this subchapter.

(Nov. 4, 1939, ch. 2, § 18, 54 Stat. 12.)

SUBCHAPTER III—PREVENTION OF OFFENSES AGAINST NEUTRALITY

§ 461. Enforcement by courts; employment of land or naval forces

The district courts shall take cognizance of all complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof. In every case in which a vessel is fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel is increased or augmented, or in which any military expedition or enterprise is begun or set on foot, contrary to the provisions and prohibitions of this subchapter and sections 958 to 962 of title 18; and in every case of the capture of a vessel within the jurisdiction or protection of the United States as before defined; and in every case in which any process issuing out of any court of the United States is disobeyed or resisted by any person having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subject or citizens of any foreign prince or state, or of any colony, district, or people, it shall be lawful for the President or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such vessel, with her prizes, if any, in order to enforce the execution of the prohibitions and penalties of this subchapter and sections 958 to 962 of title 18, and the restoring of such prizes in the cases in which restoration shall be adjudged; and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territory or jurisdiction of the United States against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace.

(Mar. 4, 1909, ch. 321, § 14, 35 Stat. 1090.)

Codification

In the original "this subchapter and sections 958 to 962 of title 18" read "this chapter" meaning chapter 2 of the act of Mar. 4, 1909, which had been classified to sections 461 to 464 of this title and sections 21 to 25, and 30 of title 18.

"This subchapter" was substituted for "sections 461 to 464 of this title".

"Sections 958 to 962 of title 18" was substituted for "sections 21 to 25, and 30 of title 18" on authority of act June 25, 1948, ch. 645, 62 Stat. 683, section 1 of which enacted Title 18, Crimes and Criminal Procedure.

Section was formerly classified to section 26 of title 18 prior to the general revision and enactment of Title 18, Crimes and Criminal Procedure, by act June 25, 1948, ch. 645, § 1, 62 Stat. 683.

Prior Provisions

Section was derived from R.S. § 5287 (act Apr. 20, 1818, ch. 88, § 8, 3 Stat. 449) which was amended by act Feb. 18, 1875, ch. 80, 18 Stat. 320, and was repealed by section 341 of the act of Mar. 4, 1909.

§ 462. Compelling foreign vessels to depart

It shall be lawful for the President to employ such part of the land or naval forces of the United States, or of the militia thereof, as he may deem necessary to compel any foreign vessel to depart from the United States or any of its possessions in all cases in which, by the law of nations or the treaties of the United States, it ought not to remain, and to detain or prevent any foreign vessel from so departing in all cases in which, by the law of nations or the treaties of the United States, it is not entitled to depart.

(Mar. 4, 1909, ch. 321, § 15, 35 Stat. 1091; June 15, 1917, ch. 30, title V, § 10, 40 Stat. 223.)

Codification

Section was formerly classified to section 27 of title 18 prior to the general revision and enactment of Title 18, Crimes and Criminal Procedure, by act June 25, 1948, ch. 645, § 1, 62 Stat. 683.

Act June 15, 1917, inserted provisions relating to detention of vessels.

Prior Provisions

Section was derived from R.S. § 5288 (act Apr. 20, 1818, ch. 88, § 9, 3 Stat. 449), which was repealed by section 341 of act Mar. 4, 1909.

Cross References

Definition of United States as used in this section, see section 408a of this title.

Section Referred to in Other Sections

This section is referred to in sections 408a, 465 of this title.

§ 463. Bonds from armed vessels on clearing

The owners or consignees of every armed vessel sailing out of the ports of, or under the jurisdiction of, the United States, belonging wholly or in part to citizens thereof, shall, before clearing out the same, give bond to the United States, with sufficient sureties, in double the amount of the value of the vessel and cargo on board, including her armament, conditioned that the vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace.

(Mar. 4, 1909, ch. 321, § 16, 35 Stat. 1091.)

Codification

Section was formerly classified to section 28 of title 18 prior to the general revision and enactment of Title 18, Crimes and Criminal Procedure, by act June 25, 1948, ch. 645, § 1, 62 Stat. 683.

Prior Provisions

Section was derived from R.S. § 5289 (act Apr. 20, 1818, ch. 88, § 10, 3 Stat. 449), which was repealed by section 341 of act Mar. 4, 1909.

Cross References

This section as inapplicable to vessels armed under section 351 of Title 10, see section 351 of Title 10, Armed Forces.

Section Referred to in Other Sections

This section is referred to in section 464 of this title; title 10 section 351.

§ 464. Detention by collectors of customs

The several collectors of the customs shall detain any vessel manifestly built for warlike

purposes, and about to depart the United States, or any place subject to the jurisdiction thereof, the cargo of which principally consists of arms and munitions of war, when the number of men shipped on board, or other circumstances, render it probable that such vessel is intended to be employed by the owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, until the decision of the President is had thereon, or until the owner gives such bond and security as is required of the owners of armed vessels by section 463 of this title.

(Mar. 4, 1909, ch. 321, § 17, 35 Stat. 1091.)

CODIFICATION

Section was formerly classified to section 29 of title 18 prior to the general revision and enactment of Title 18, Crimes and Criminal Procedure, by act June 25, 1948, ch. 645, § 1, 62 Stat. 683.

PRIOR PROVISIONS

Section was derived from R.S. § 5290 (act Apr. 20, 1818, ch. 88, § 11, 3 Stat. 450), which was repealed by section 341 of act Mar. 4, 1909.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise of the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1, of 1965 eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the Offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

§ 465. Detention of vessels

The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of sections 462 and 465 of this title, and sections 756, 960, 963 to 967, and 3058 of title 18.

(June 15, 1917, ch. 30, title V, § 9, 40 Stat. 223.)

CODIFICATION

This section was not enacted as part of act Mar. 4, 1909, ch. 321, 35 Stat. 1090, which comprises this subchapter.

In the original "sections 462 and 465 of this title, and sections 756, 960, 963 to 967, and 3058 of title 18" read "this title" meaning title V of act June 15, 1917, which had been classified to sections 462 and 465 of this title and sections 25, and 31 to 38 of title 18.

"Sections 756, 960, 963 to 967, and 3058 of title 18" was substituted for "sections 25, and 31 to 38 of title 18" on authority of act June 25, 1948, ch. 645, 62 Stat. 683, section 1 of which enacted Title 18, Crimes and Criminal Procedures.

Section was formerly classified to section 38 of title 18 prior to the general revision and enactment of Title 18, Crimes and Criminal Procedure, by act June 25, 1948, ch. 645, § 1, 62 Stat. 683.

CROSS REFERENCES

Definition of United States as used in this section, see section 408a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 408a of this title.

CHAPTER 10—HEMISPHERAL RELATIONS

SUBCHAPTER I—GENERALLY

Sec.
501. Utilization of services of Government agencies to promote inter-American relations.
502. Creation of advisory committees.
503. Facilitating work of foreign traveling salesmen; licenses and certificates of identification.
504. Transfer of hemisphere territory from one non-American power to another; recognition; consultation with American Republics.

SUBCHAPTER II—WAR MATERIALS

521. Military and naval assistance to governments of American Republics.
522. Transmission of information pertaining to implements of war, vessels, etc.
523. Restriction in contracts against disposal of implements of war, vessels, etc., or information.
524. Information on shipments to be given Chairman of National Munitions Control Board.
525. Appropriations and disposition of receipts.
526. Protection of patent rights.
527. Purchases of implements of war, etc., from American Republics.

SUBCHAPTER I—GENERALLY

§ 501. Utilization of services of Government agencies to promote inter-American relations

In order to render closer and more effective the relationship between the American republics the President of the United States is authorized, subject to such appropriations as are made available for the purpose, to utilize the services of the departments, agencies, and independent establishments of the Government in carrying out the reciprocal undertakings and cooperative purposes enunciated in the treaties, resolutions, declarations, and recommendations signed by all of the twenty-one American republics at the Inter-American Conference for the Maintenance of Peace held at Buenos Aires, Argentina, in 1936, and at the Eighth International Conference of American States held at Lima, Peru, in 1938.

(Aug. 9, 1939, ch. 616, § 1, 53 Stat. 1290.)

§ 502. Creation of advisory committees

The President is authorized to create such advisory committees as in his judgment may be of assistance in carrying out the undertakings of this Government under the treaties, resolutions, declarations, and recommendations referred to, but no committee or member thereof shall be allowed any salary or other compensation for services: *Provided, however,* That they may, within the limits of appropriations made available therefor by the Congress, which appropriations are authorized, be paid their actual transportation expenses and not to exceed $10 per diem in lieu of subsistence and other expenses while away from their homes in attendance upon meetings within the United States under instructions from the Secretary of State.

(Aug. 9, 1939, ch. 616, § 2, 53 Stat. 1290.)

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of two year period following Jan. 5, 1973, and advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of two year period beginning on the date of their establishment, unless in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two year period, or in the case of a committee established by Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 503. Facilitating work of foreign traveling salesmen; licenses and certificates of identification

Whereas the United States has entered into conventions with the Governments of Uruguay, Guatemala, Salvador, Panama, and Venezuela which were signed on August 27, 1918, December 3, 1918, January 28, 1919, February 8, 1919, and July 3, 1919, respectively, for facilitating the work of traveling salesmen; and

Whereas Articles I and II of each of said conventions read as follows:

"ARTICLE I. Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the high contracting parties may operate as commercial travelers either personally or by means of agents or employees within the jurisdiction of the other high contracting party on obtaining from the latter, upon payment of a single fee, a license which shall be valid throughout its entire territorial jurisdiction.

"In case either of the high contracting parties shall be engaged in war it reserves to itself the right to prevent from operating within its jurisdiction under the provisions of this treaty, or otherwise, enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

"ART. II. In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants, and traders represented a certificate attesting his character as commercial traveler. This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be visaed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in Article I."

Now, therefore, the Secretary of Commerce, or any person in the Department of Commerce designated by him, is authorized to issue the licenses and certificates of identification which are provided for by the said Articles I and II, respectively, of the said conventions, or which may be provided for by similar articles in any convention or treaty that may, on and after September 22, 1922, be concluded by the United States with a foreign government, and is further authorized to collect a reasonable fee for each license and certificate of identification issued. The amount of such fee shall be fixed by regulations made by the Secretary of Commerce and shall be paid into the Treasury of the United States quarterly.

(Sept. 22, 1922, ch. 414, 42 Stat. 1028.)

TREATIES

Bilateral treaties of Friendship, Commerce and Navigation contain provisions for the reciprocal treatment of commercial travelers which generally state that:

"Commercial travelers representing nationals and companies of either Party engaged in business within the territories thereof, upon their entry into and departure from the territories of the other Party and during their sojourn therein, be accorded most-favored-nation treatment in respect of the customs and other matters, including, subject to the exceptions in paragraph —— of Article ——, taxes and charges applicable to them, their samples and the taking of orders, and regulations governing the exercise of their functions."

Country	*Date signed*	*Entered into force*	*Citation*
China	Nov. 4, 1946	Nov. 30, 1948	63 Stat. 1299.
Germany (Fed. Rep.)	Oct. 29, 1954	July 14, 1956	TIAS 3593.
Greece	Aug. 3, 1951	Oct. 13, 1954	5 UST 1829.
Ireland	Jan. 21, 1950	Sept. 14, 1950	1 UST 785.
Israel	Aug. 23, 1951	Apr. 3, 1954	5 UST 550.
Italy	Feb. 2, 1948	July 26, 1949	63 Stat. 2255.
Japan	Apr. 2, 1953	Oct. 30, 1953	4 UST 2063.

§ 504. Transfer of hemisphere territory from one non-American power to another; recognition; consultation with American Republics

(1) The United States would not recognize any transfer, and would not acquiesce in any attempt to transfer, any geographic region of this hemisphere from one non-American power to another non-American power; and

(2) If such transfer or attempt to transfer should appear likely, the United States shall, in addition to other measures, immediately consult with the other American republics to determine upon the steps which should be taken to safeguard their common interests.

(Apr. 10, 1941, ch. 49, 55 Stat. 133.)

PURPOSE OF ENACTMENT

The "whereas" clauses preceding the resolving words in Joint Res. Apr. 10, 1941, provided as follows:

"Whereas our traditional policy has been to consider any attempt on the part of non-American powers to extend their system to any portion of this hemisphere as dangerous to the peace and safety not only of this country but of the other American republics; and

"Whereas the American republics agreed at the Inter-American Conference for the Maintenance of Peace held in Buenos Aires in 1936 and at the Eighth International Conference of American States held in Lima in 1938 to consult with one another in the event that the peace, security, or territorial integrity of any American republic should be threatened; and

"Whereas the Meeting of the Foreign Ministers of the American Republics at Panama October 3, 1939, resolved 'That in case any geographic region of America subject to the jurisdiction of any non-American state should be obliged to change its sovereignty and there should result therefrom a danger to the security of the American Continent, a consultative meeting such as the one now being held will be convoked with the urgency that the case may require':".

SUBCHAPTER II—WAR MATERIALS

§ 521. Military and naval assistance to governments of American Republics

(a) The President may, in his discretion, authorize the Secretary of the Army to manufacture in factories and arsenals under his jurisdiction, or otherwise procure, coast-defense and antiaircraft matériel, including ammunition therefor, on behalf of the government of any American republic; to sell such matériel and ammunition to any such government; to test or prove such materiél and ammunition prior to sale or delivery to any such government; to repair such matériel on behalf of any such government; and to communicate to any such government plans, specifications, or other information relating to such matériel and ammunition as may be sold to any such government.

(b) The President may, in his discretion, authorize the Secretary of the Navy to construct vessels of war on behalf of the government of any American republic in shipyards under his jurisdiction; to manufacture armament and equipment for such vessels on behalf of any such government in arsenals under his jurisdiction; to sell armament and equipment for such vessels to any such government; to manufacture antiaircraft artillery and ammunition therefor, on behalf of any such government in factories and arsenals under his jurisdiction; to sell antiaircraft artillery and ammunition therefor to any such government; to test or prove such vessels, armament, artillery, ammunition, or equipment prior to sale or delivery to any such government; to repair such vessels, armament, artillery, or equipment on behalf of any such government; and to communicate to any such government plans, specifications, and other information relating to such vessels of war and their armament and equipment or antiaircraft artillery and ammunition therefor, as may be sold to any such government or relating to any vessels of war which any such government may propose to construct or manufacture within its own jurisdiction: *Provided*, That nothing contained herein shall be construed as authorizing the violation of any of the provisions of any treaty to which the United States is or may become a party or of any established principles or precedents of international law: *And provided further*, That no transaction authorized herein shall result in expense to the United States, nor involve the extension of credits by the United States: *And provided further*, That no contract shall be entered into under the terms of this subchapter which shall interfere with or delay the United States in the full use of its shipyards, arsenals, munition plants, and other equipment for its own purposes.

(June 15, 1940, ch. 365, § 1, 54 Stat. 396.)

Change of Name

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

Secretary of the Air Force

For transfer of certain procurement and related functions and property, insofar as they pertain to the Air Force, from the Secretary of the Army and the Department of the Army, to the Secretary of the Air Force and the Department of the Air Force, see Secretary of Defense Transfer Order Nos. 6 [§ 1(a)(41)], eff. Jan. 15, 1948; 39 [§ 2zz], May 18, 1949.

Section Referred to in Other Sections

This section is referred to in section 522 of this title.

§ 522. Transmission of information pertaining to implements of war, vessels, etc.

In carrying out transactions authorized by section 521 of this title, the Secretary of the Army and the Secretary of the Navy are authorized, in their discretion and provided that it be not inconsistent with any defense requirements of the United States or of its possessions, to communicate or transmit to the government of any American republic or to any duly authorized person for the use of such government information pertaining to the arms, ammunition, or implements of war sold under the terms of that section or to any vessels of war constructed within the jurisdiction of any such government, and to export for the use of any such government coast defense and antiaircraft matériel and ammunition therefor, and vessels of war and their armament and equipment involving such information: *Provided*, That any information thus communicated or transmitted or involved in any such arms, ammunition, implements of war, or equipment when exported shall cease to be considered restricted after one year from the date that such communication or transmission has been authorized or such exportation made.

(June 15, 1940, ch. 365, § 2, 54 Stat. 396.)

Change of Name

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 510. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

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§ 523. Restriction in contracts against disposal of implements of war, vessels, etc., or information

All contracts or agreements made by the Secretary of the Army or the Secretary of the Navy for the sale to the government of any American republic of any of the arms, ammunition, or implements of war, the sale of which is authorized by this subchapter, shall contain a clause by which the purchaser undertakes not

to dispose of such arms, ammunition, or implements of war, or any plans, specifications, or information pertaining thereto, by gift, sale, or any mode of transfer in such manner that such arms, ammunition, implements of war, or plans, specifications, or information pertaining thereto, may become a part of the armament of any state other than an American republic.

(June 15, 1940, ch. 365, § 3, 54 Stat. 397.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

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§ 524. Information on shipments to be given Chairman of National Munitions Control Board

The Secretary of the Army or the Secretary of the Navy, as the case may be, shall, when any arms, ammunition, implements of war, or equipment are exported pursuant to the provisions of this subchapter, immediately inform the Secretary of State, Chairman of the National Munitions Control Board, of the quantities, character, value, terms of sale, and destination of the arms, ammunition, implements of war, or equipment so exported. Such information shall be included in the annual report of the Board.

(June 15, 1940, ch. 365, § 4, 54 Stat. 397.)

REFERENCES IN TEXT

National Munitions Control Board, referred to in the text, was established under section 452 of this title, which was repealed by act Aug. 26, 1954, ch. 937, title V, § 542(a)(12), 68 Stat. 861, and is now covered by section 1934 of this title.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

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§ 525. Appropriations and disposition of receipts

(a) There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this subchapter.

(b) All moneys which may be received from the government of any American republic, in payment for any article delivered or service rendered in compliance with the provisions of this subchapter, shall revert to the respective appropriation or appropriations out of which funds were expended in carrying out the transaction for which money is received, and such moneys shall be available for expenditure for the purpose for which such expended funds were appropriated by law, during the fiscal year in which such funds are received and the ensuing fiscal year.

(June 15, 1940, ch. 365, § 5, 54 Stat. 397.)

§ 526. Protection of patent rights

The Secretary of the Army and the Secretary of the Navy shall in all contracts or agreements for the sale of such matériel fully protect the rights of all citizens of the United States who have patent rights in and to any such matériel which is authorized to be sold and the funds collected for royalties on such patents shall be paid to the owners and holders of such patents.

(June 15, 1940, ch. 365, § 6, 54 Stat. 397.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

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§ 527. Purchases of implements of war, etc., from American Republics

The Secretaries of the Army and of the Navy are authorized to purchase arms, ammunition, and implements of war produced within the jurisdiction of any American republic if such arms, ammunition, or implements of war cannot be produced in the United States.

(June 15, 1940, ch. 365, § 7, 54 Stat. 397.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 contin-

ued the Department of the Army under the administrative supervision of a Secretary of the Army.

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CHAPTER 11—FOREIGN AGENTS AND PROPAGANDA

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Sec.

601. Repealed.

SUBCHAPTER II—REGISTRATION OF FOREIGN PROPAGANDISTS

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620. Rules and regulations.
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SUBCHAPTER I—GENERALLY

§ 601. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section, acts June 15, 1917, ch. 30, title VIII, § 3, 40 Stat. 226; Mar. 28, 1940, ch. 72, § 6, 54 Stat. 80, related to acting as a foreign agent without notice to Secretary of State, and is now covered by section 951 of Title 18, Crimes and Criminal Procedure.

SUBCHAPTER II—REGISTRATION OF FOREIGN PROPAGANDISTS

EX. ORD. NO. 9176. TRANSFER OF REGISTRATION FUNCTIONS FROM THE SECRETARY OF STATE TO THE ATTORNEY GENERAL

Ex. Ord. No. 9176, May 29, 1942, 7 F.R. 4127, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law No. 354, 77th Congress (section 601 et seq. of Title 50, Appendix, War and National Defense)), and as President of the United States, it is hereby ordered as follows:

1. All functions, powers and duties of the Secretary of State under the act of June 8, 1938 (52 Stat. 631), as amended by the act of August 7, 1939 (53 Stat. 1244), requiring the registration of agents of foreign principals, are hereby transferred to and vested in the Attorney General.

2. All property, books and records heretofore maintained by the Secretary of State with respect to his administration of said act of June 8, 1938, as amended, are hereby transferred to and vested in the Attorney General.

3. The Attorney General shall furnish to the Secretary of State for such comment, if any, as the Secretary of State may desire to make from the point of view of the foreign relations of the United States, one copy of each registration statement that is hereafter filed with the Attorney General in accordance with the provisions of this Executive order.

4. All rules, regulations and forms which have been issued by the Secretary of State pursuant to the provisions of said act of June 8, 1938, as amended, and which are in effect shall continue in effect until modified, superseded, revoked or repealed by the Attorney General.

5. This order shall become effective as of June 1, 1942.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 8 section 1251; title 18 section 219.

§ 611. Definitions

As used in and for the purposes of this subchapter—

(a) The term "person" includes an individual, partnership, association, corporation, organization, or any other combination of individuals;

(b) The term "foreign principal" includes—

(1) a government of a foreign country and a foreign political party;

(2) a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and

(3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its

principal place of business in a foreign country.

(c) Expect[1] as provided in subsection (d) of this section, the term "agent of a foreign principal" means—

(1) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal, and who directly or through any other person—

(i) engages within the United States in political activities for or in the interests of such foreign principal;

(ii) acts within the United States as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal;

(iii) within the United States solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or

(iv) within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States; and

(2) any person who agrees, consents, assumes or purports to act as, or who is or holds himself out to be, whether or not pursuant to contractual relationship, an agent of a foreign principal as defined in clause (1) of this subsection.

(d) The term "agent of a foreign principal" does not include any news or press service or association organized under the laws of the United States or of any State or other place subject to the jurisdiction of the United States, or any newspaper, magazine, periodical, or other publication for which there is on file with the United States Postal Service information in compliance with section 3611 of title 39,[2] published in the United States, solely by virtue of any bona fide news or journalistic activities, including the solicitation or acceptance of advertisements, subscriptions, or other compensation therefor, so long as it is at least 80 per centum beneficially owned by, and its officers and directors, if any, are citizens of the United States, and such news or press service or association, newspaper, magazine, periodical, or other publication, is not owned, directed, supervised, controlled, subsidized, or financed, and none of its policies are determined by any foreign principal defined in subsection (b) of this section, or by any agent of a foreign principal required to register under this subchapter;

(e) The term "government of a foreign country" includes any person or groups of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign de facto or de jure authority or functions are directly or indirectly delegated. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States;

(f) The term "foreign political party" includes any organization or any other combination of individuals in a country other than the United States, or any unit or branch thereof, having for an aim or purpose, or which is engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control, of a government of a foreign country or a subdivision thereof, or the furtherance or influencing of the political or public interests, policies, or relations of a government of a foreign country or a subdivision thereof;

(g) The term "public-relations counsel" includes any person who engages directly or indirectly in informing, advising, or in any way representing a principal in any public relations matter pertaining to political or public interests, policies, or relations of such principal;

(h) The term "publicity agent" includes any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or otherwise;

(i) The term "information-service employee" includes any person who is engaged in furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of any country other than the United States or of any government of a foreign country or of a foreign political party or of a partnership, association, corporation, organization, or other combination of individuals organized under the laws of, or having its principal place of business in, a foreign country;

(j) The term "political propaganda" includes any oral, visual, graphic, written, pictorial, or other communication or expression by any person (1) which is reasonably adapted to, or which the person disseminating the same believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, or in any other way influence a recipient or any section of the public within the United States with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social dissensions, or (2) which advocates, advises, instigates, or promotes any racial, social, political, or religious disorder, civil riot, or other conflict involving the use of force or violence in any other American republic or the overthrow of any government or political subdivision of any other American republic by any means involving the use of force or violence. As used in this subsection the term "disseminating" includes transmitting or causing to be transmitted in the United States mails or by

[1] So in original. Probably should be "except".

[2] So in original. Reference should probably be to section 3685 of title 39.

any means or instrumentality of interstate or foreign commerce or offering or causing to be offered in the United States mails;

(k) The term "registration statement" means the registration statement required to be filed with the Attorney General under section 612(a) of this title, and any supplements thereto required to be filed under section 612(b) of this title, and includes all documents and papers required to be filed therewith or amendatory thereof or supplemental thereto, whether attached thereto or incorporated therein by reference;

(*l*) The term "American republic" includes any of the states which were signatory to the Final Act of the Second Meeting of the Ministers of Foreign Affairs of the American Republics at Habana, Cuba, July 30, 1940;

(m) The term "United States", when used in a geographical sense, includes the several States, the District of Columbia, the Territories, the Canal Zone, the insular possessions, and all other places now or hereafter subject to the civil or military jurisdiction of the United States;

(n) The term "prints" means newspapers and periodicals, books, pamphlets, sheet music, visiting cards, address cards, printing proofs, engravings, photographs, pictures, drawings, plans, maps, patterns to be cut out, catalogs, prospectuses, advertisements, and printed, engraved, lithographed, or autographed notices of various kinds, and, in general, all impressions or reproductions obtained on paper or other material assimilable to paper, on parchment or on cardboard, by means of printing, engraving, lithography, autography, or any other easily recognizable mechanical process, with the exception of the copying press, stamps with movable or immovable type, and the typewriter;

(*o*) The term "political activities" means the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party;

(p) The term "political consultant" means any person who engages in informing or advising any other person with reference to the domestic or foreign policies of the United States or the political or public interest, policies, or relations of a foreign country or of a foreign political party;

(q) For the purpose of section 613(d) of this title, activities in furtherance of the bona fide commercial, industrial or financial interests of a domestic person engaged in substantial commercial, industrial or financial operations in the United States shall not be deemed to serve predominantly a foreign interest because such activities also benefit the interests of a foreign person engaged in bona fide trade or commerce which is owned or controlled by, or which owns or controls, such domestic person: *Provided*, That (i) such foreign person is not, and such activities are not directly or indirectly supervised, directed, controlled, financed or subsidized in whole or in substantial part by, a government of a foreign country or a foreign political party, (ii) the identity of such foreign person is disclosed to the agency or official of the United States with whom such activities are conducted, and (iii) whenever such foreign person owns or controls such domestic person, such activities are substantially in furtherance of the bona fide commercial, industrial or financial interests of such domestic person.

(June 8, 1938, ch. 327, § 1, 52 Stat. 631; Aug. 7, 1939, ch. 521, § 1, 53 Stat. 1244; Apr. 29, 1942, ch. 263, § 1, 56 Stat. 248; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352; Sept. 23, 1950, ch. 1024, title I, § 20(a), 64 Stat. 1005; Aug. 1, 1956, ch. 849, § 1, 70 Stat. 899; Oct. 4, 1961, Pub. L. 87-366, § 1, 75 Stat. 784; July 4, 1966, Pub. L. 89-486, § 1, 80 Stat. 244; Aug. 12, 1970, Pub. L. 91-375, § 6(k), 84 Stat. 782.)

CODIFICATION

Words "including the Philippine Islands," were deleted from the definition of the "United States" in subsec. (m) pursuant to Proc. No. 2695, which granted independence to the Philippines under the authority of section 1394 of this title, under which section Proc. No. 2695 is set out as a note.

AMENDMENTS

1970—Subsec. (d). Pub. L. 91-375 substituted "file with the United States Postal Service information in compliance with section 3611 of title 39" for "file with the Postmaster General a sworn statement in compliance with section 2 of the Act of August 24, 1912 (37 Stat. 553), as amended".

1966—Subsec. (b). Pub. L. 89-486, § 1(1), redesignated former pars. (3) and (4) as (2) and (3), substituted in such par. (3) "combination of persons" for "combination of individuals" and eliminated from the definition of "foreign principal" former pars. (2), (5), and (6) which included "(2) an individual affiliated or associated with, or supervised, directed, controlled, financed, or subsidized, in whole or in part, by any foreign principal defined in clause (1) of this subsection"; "(5) a domestic partnership, association, corporation, organization, or other combination of individuals, subsidized directly or indirectly, in whole or in part, by any foreign principal defined in clause (1), (3), or (4) of this subsection"; and "(6) a domestic partnership, association, corporation, or other combination of individuals, supervised, directed, controlled, or financed, in whole or in substantial part, by any foreign government or foreign political party".

Subsec. (c). Pub. L. 89-486, § 1(2), amended provisions generally to redefine "agent of a foreign principal" by specifying four categories of activities creating the agency relationship where person acts as agent, employee, representative, or servant or at the order of, or under the control of, a foreign principal, by requiring a showing not only of foreign connections but also of certain activities performed by the agent for foreign interests, by making change as it relates to problem of indirect control exerted by foreign principals over their agents, by including political activities and actions as political consultant, by excluding attorneys from the relationship, by incorporating provisions of former par. (3) in par. (2) where a person assumes or purports to act as an agent of a foreign principal, and by eliminating the separate category for military or governmental officials contained in former par. (4).

Subsec. (d). Pub. L. 89-486, § 1(3), struck out "clause (1), (2), or (4) of" preceding "subsection (b)".

Subsec. (g). Pub. L. 89-486, § 1(4), inserted "public relations" preceding "matter pertaining to" and "of such principal" following "or relations".

Subsecs. (o) to (q). Pub. L. 89-486, § 1(5), added subsecs. (o) to (q).

1961—Subsec. (b)(6). Pub. L. 87-366 added subsec. (b)(6).

1956—Subsec. (c)(5). Act Aug. 1, 1956 repealed subsec. (c)(5), which included within the definition of "agent of a foreign principal" any person trained in foreign espionage systems with certain exceptions and is covered by sections 851 and 852 of Title 50, War and National Defense.

1950—Subsec. (c). Act Sept. 23, 1950, inserted par. (5).

1942—Act Apr. 29, 1942, amended section generally to redefine terms used in this subchapter.

1939—Act Aug. 7, 1939, amended section generally to redefine terms used in this subchapter.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1966 AMENDMENT

Section 9 of Pub. L. 89-486 provided that: "This Act [which enacted sections 219 and 613 of Title 18, Crimes and Criminal Procedure, and amended sections 611 to 616 and 618 of this title] shall take effect ninety days after the date of its enactment [July 4, 1966]."

EFFECTIVE DATE OF 1942 AMENDMENT

Section 3 of act Apr. 29, 1942, provided that: "This Act [this subchapter] shall take effect on the sixtieth day after the date of its approval, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out the provisions of this Act [this subchapter]."

EFFECTIVE DATE

Section 7 of act June 8, 1938, provided that this subchapter shall take effect on the ninetieth day after June 8, 1938.

SHORT TITLE

Section 14 of act June 8, 1938, as added by act Apr. 29, 1942, § 1, provided that: "This Act [this subchapter] may be cited as the 'Foreign Agents Registration Act of 1938, as amended'."

SEPARABILITY OF PROVISIONS; EFFECT ON EXISTING LAW

Sections 12 and 13 of act June 8, 1938, as added by act Apr. 29, 1942, § 1, provided that:

"Sec. 12. If any provision of this Act [this subchapter], or the application thereof to any person or circumstances, is held invalid, the remainder of the Act [this subchapter], and the application of such provisions to other persons or circumstances, shall not be affected thereby.

"Sec. 13. This Act [this subchapter] is an addition to and not in substitution for any other existing statute."

TRANSFER OF FUNCTIONS

Section 2 of act Apr. 29, 1942, provided that: "Upon the effective date of this Act [see Effective Date of 1942 Amendment note above], all powers, duties, and functions of the Secretary of State under the Act of June 8, 1938 (52 Stat. 631), as amended [this subchapter], shall be transferred to and become vested in the Attorney General, together with all property, books, records, and unexpended balances of appropriations used by or available to the Secretary of State for carrying out the functions devolving on him under the above-cited Act [this subchapter]. All rules, regulations, and forms which have been issued by the Secretary of State pursuant to the provisions of said Act [this subchapter], and which are in effect, shall continue in effect until modified, superseded, revoked, or repealed."

POLICY AND PURPOSE OF SUBCHAPTER

Act Apr. 29, 1942, amending generally act June 8, 1938, added an opening paragraph preceding section 1 of the latter act and reading as follows: "It is hereby declared to be the policy and purpose of this Act [this subchapter] to protect the national defense, internal security, and foreign relations of the United States by requiring public disclosure by persons engaging in propaganda activities and other activities for or on behalf of foreign governments, foreign political parties, and other foreign principals so that the Government and the people of the United States may be informed of the identity of such persons and may appraise their statements and actions in the light of their associations and activities."

CROSS REFERENCES

Military or civilian censorship prohibited, and preservation of certain constitutional rights, see section 798 of Title 50, War and National Defense.

Registration functions of the Secretary of State transferred to the Attorney General, see Ex. Ord. No. 9176, set out preceding this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 618 of this title; title 2 section 441e; title 8 section 1251; title 50 sections 782, 795, 798.

§ 612. Registration statement

(a) Filing; contents

No person shall act as an agent of a foreign principal unless he has filed with the Attorney General a true and complete registration statement and supplements thereto as required by subsections (a) and (b) of this section or unless he is exempt from registration under the provisions of this subchapter. Except as hereinafter provided, every person who becomes an agent of a foreign principal shall, within ten days thereafter, file with the Attorney General, in duplicate, a registration statement, under oath on a form prescribed by the Attorney General. The obligation of an agent of a foreign principal to file a registration statement shall, after the tenth day of his becoming such agent, continue from day to day, and termination of such status shall not relieve such agent from his obligation to file a registration statement for the period during which he was an agent of a foreign principal. The registration statement shall include the following, which shall be regarded as material for the purposes of this subchapter:

(1) Registrant's name, principal business address, and all other business addresses in the United States or elsewhere, and all residence addresses, if any;

(2) Status of the registrant; if an individual, nationality; if a partnership, name, residence addresses, and nationality of each partner and a true and complete copy of its articles of copartnership; if an association, corporation, or organization, or any other combination of individuals, the name, residence addresses, and nationality of each director and officer and of each person performing the functions of a director or officer and a true and complete copy of its charter, articles of incorporation, association, constitution, and bylaws, and amendments thereto; a copy of every other instrument or document and a state-

ment of the terms and conditions of every oral agreement relating to its organization, powers, and purposes; and a statement of its ownership and control;

(3) A comprehensive statement of the nature of registrant's business; a complete list of registrant's employees and a statement of the nature of the work of each; the name and address of every foreign principal for whom the registrant is acting, assuming or purporting to act or has agreed to act; the character of the business or other activities of every such foreign principal, and, if any such foreign principal be other than a natural person, a statement of the ownership and control of each; and the extent, if any, to which each such foreign principal is supervised, directed, owned, controlled, financed, or subsidized, in whole or in part, by any government of a foreign country or foreign political party, or by any other foreign principal;

(4) Copies of each written agreement and the terms and conditions of each oral agreement, including all modifications of such agreements, or, where no contract exists, a full statement of all the circumstances, by reason of which the registrant is an agent of a foreign principal; a comprehensive statement of the nature and method of performance of each such contract, and of the existing and proposed activity or activities engaged in or to be engaged in by the registrant as agent of a foreign principal for each such foreign principal, including a detailed statement of any such activity which is a political activity;

(5) The nature and amount of contributions, income, money, or thing of value, if any, that the registrant has received within the preceding sixty days from each such foreign principal, either as compensation or for disbursement or otherwise, and the form and time of each such payment and from whom received;

(6) A detailed statement of every activity which the registrant is performing or is assuming or purporting or has agreed to perform for himself or any other person other than a foreign principal and which requires his registration hereunder, including a detailed statement of any such activity which is a political activity;

(7) The name, business, and residence addresses, and if an individual, the nationality, of any person other than a foreign principal for whom the registrant is acting, assuming or purporting to act or has agreed to act under such circumstances as require his registration hereunder; the extent to which each such person is supervised, directed, owned, controlled, financed, or subsidized, in whole or in part, by any government of a foreign country or foreign political party or by any other foreign principal; and the nature and amount of contributions, income, money, or thing of value, if any, that the registrant has received during the preceding sixty days from each such person in connection with any of the activities referred to in clause (6) of this subsection, either as compensation or for disbursement or otherwise, and the form and time of each such payment and from whom received;

(8) A detailed statement of the money and other things of value spent or disposed of by the registrant during the preceding sixty days in furtherance of or in connection with activities which require his registration hereunder and which have been undertaken by him either as an agent of a foreign principal or for himself or any other person or in conection[1] with any activities relating to his becoming an agent of such principal, and a detailed statement of any contributions of money or other things of value made by him during the preceding sixty days (other than contributions the making of which is prohibited under the terms of section 613 of title 18) in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office;

(9) Copies of each written agreement and the terms and conditions of each oral agreement, including all modifications of such agreements, or, where no contract exists, a full statement of all the circumstances, by reason of which the registrant is performing or assuming or purporting or has agreed to perform for himself or for a foreign principal or for any person other than a foreign principal any activities which require his registration hereunder;

(10) Such other statements, information, or documents pertinent to the purposes of this subchapter as the Attorney General, having due regard for the national security and the public interest, may from time to time require;

(11) Such further statements and such further copies of documents as are necessary to make the statements made in the registration statement and supplements thereto, and the copies of documents furnished therewith, not misleading.

(b) Supplements; filing period

Every agent of a foreign principal who has filed a registration statement required by subsection (a) of this section shall, within thirty days after the expiration of each period of six months succeeding such filing, file with the Attorney General a supplement thereto under oath, on a form prescribed by the Attorney General, which shall set forth with respect to such preceding six months' period such facts as the Attorney General, having due regard for the national security and the public interest, may deem necessary to make the information required under this section accurate, complete, and current with respect to such period. In connection with the information furnished under clauses (3), (4), (6), and (9) of subsection (a) of this section, the registrant shall give notice to the Attorney General of any changes therein within ten days after such changes occur. If the Attorney General, having due regard for the national security and the public interest, determines that it is necessary to carry out the purposes of this subchapter, he may, in any particular case, require supplements to the registration statement to be filed at more frequent

[1] So in original. Probably should be "connection".

intervals in respect to all or particular items of information to be furnished.

(c) Execution of statement under oath

The registration statement and supplements thereto shall be executed under oath as follows: If the registrant is an individual, by him; if the registrant is a partnership, by the majority of the members thereof; if the registrant is a person other than an individual or a partnership, by a majority of the officers thereof or persons performing the functions of officers or by a majority of the board of directors thereof or persons performing the functions of directors, if any.

(d) Filing of statement not deemed full compliance nor as preclusion from prosecution

The fact that a registration statement or supplement thereto has been filed shall not necessarily be deemed a full compliance with this subchapter and the regulations thereunder on the part of the registrant; nor shall it indicate that the Attorney General has in any way passed upon the merits of such registration statement or supplement thereto; nor shall it preclude prosecution, as provided for in this subchapter, for willful failure to file a registration statement or supplement thereto when due or for a willful false statement of a material fact therein or the willful omission of a material fact required to be stated therein or the willful omission of a material fact or copy of a material document necessary to make the statements made in a registration statement and supplements thereto, and the copies of documents furnished therewith, not misleading.

(e) Incorporation of previous statement by reference

If any agent of a foreign principal, required to register under the provisions of this subchapter, has previously thereto registered with the Attorney General under the provisions of section 2386 of title 18, the Attorney General, in order to eliminate inappropriate duplication, may permit the incorporation by reference in the registration statement or supplements thereto filed hereunder of any information or documents previously filed by such agent of a foreign principal under the provisions of said section.

(f) Exemption by Attorney General

The Attorney General may, by regulation provide for the exemption—

(1) from registration, or from the requirement of furnishing any of the information required by this section, of any person who is listed as a partner, officer, director, or employee in the registration statement filed by an agent of a foreign principal under this subchapter, and

(2) from the requirement of furnishing any of the information required by this section of any agent of a foreign principal.

where by reason of the nature of the functions or activities of such person the Attorney General, having due regard for the national security and the public interest, determines that such registration, or the furnishing of such information, as the case may be, is not necessary to carry out the purposes of this subchapter.

(June 8, 1938, ch. 327, § 2, 52 Stat. 632; Apr. 29, 1942, ch. 263, § 1, 56 Stat. 251; Aug. 3, 1950, ch. 524, § 1, 64 Stat. 399; July 4, 1966, Pub. L. 89-486, § 2, 80 Stat. 245.)

REFERENCES IN TEXT

Section 613 of title 18, referred to in subsec. (a)(8), was repealed by Pub. L. 94-283, title II, § 201(a), May 11, 1976, 90 Stat. 496.

CODIFICATION

In subsec. (e), in the original, "section 2386 of title 18" read "the Act of October 17, 1940 (54 Stat. 1201)", which had been classified to sections 14 to 17 of title 18. "Section 2386 of title 18" was substituted for "sections 14 to 17 of title 18" on authority of act June 25, 1948, ch. 645, 62 Stat. 863, section 1 of which enacted Title 18, Crimes and Criminal Procedures.

PRIOR PROVISIONS

Provisions on this subject were contained in sections 612 and 613 of this title prior to general amendment of act June 8, 1938, by act Apr. 29, 1942.

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-486, § 2(1), deleted requirement for transmittal of registration statements by the Attorney General to the Secretary of State and provision declaring a failure of transmission not to be a bar to prosecutions, now covered in section 616(b) of this title.

Subsec. (a)(3). Pub. L. 89-486, § 2(2), struck out ", unless, and to the extent, this requirement is waived in writing by the Attorney General" following "statement of the nature of the work of each" and provided for a statement of the extent to which a foreign principal is supervised, directed, etc., by any other foreign principal.

Subsec. (a)(4). Pub. L. 89-486, § 2(3), inserted ", including a detailed statement of any such activity which is a political activity".

Subsec. (a)(6). Pub. L. 89-486, § 2(4), inserted ", including a detailed statement of any such activity which is a political activity".

Subsec. (a)(7). Pub. L. 89-486, § 2(5), required certain information pertaining to control and financial arrangements with respect to those persons, not themselves foreign principals, who are so related to a foreign principal that their agents when engaged in political activities in the interests of the principal are required to register.

Subsec. (a)(8). Pub. L. 89-486, § 2(6), added requirement that agent report the money or other things of value spent or disposed of in connection with his becoming the agent of his foreign principal and all political contributions made during the preceding sixty days, other than contributions made on behalf of their principals, such contributions being prohibited under section 613 of title 18.

Subsec. (f). Pub. L. 89-486, § 2(7), added subsec. (f).

1950—Subsec. (a). Act Aug. 3, 1950, made failure to register a continuing offense.

1942—Act Apr. 29, 1942, amended section generally.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by section 2 of Pub. L. 89-486 effective ninety days after July 4, 1966, see section 9 of Pub. L. 89-486, set out as an Effective Date of 1966 Amendment note under section 611 of this title.

CROSS REFERENCES

Registration functions of the Secretary of State transferred to the Attorney General, see Ex. Ord. No. 9176, set out preceding section 611 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 611, 613, 617, 618 of this title; title 8 section 1251.

§ 613. Exemptions

The requirements of section 612(a) of this title shall not apply to the following agents of foreign principals:

(a) Diplomatic or consular officers

A duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, while said officer is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officer;

(b) Official of foreign government

Any official of a foreign government, if such government is recognized by the United States, who is not a public-relations counsel, publicity agent, information-service employee, or a citizen of the United States, whose name and status and the character of whose duties as such official are of public record in the Department of State, while said official is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such official;

(c) Staff members of diplomatic or consular officers

Any member of the staff of, or any person employed by, a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, other than a public-relations counsel, publicity agent, or information-service employee, whose name and status and the character of whose duties as such member or employee are of public record in the Department of State, while said member or employee is engaged exclusively in the performance of activities which are recognized by the Department of State as being within the scope of the functions of such member or employee;

(d) Private and nonpolitical activities; solicitation of funds

Any person engaging or agreeing to engage only (1) in private and nonpolitical activities in furtherance of the bona fide trade or commerce of such foreign principal; or (2) in other activities not serving predominantly a foreign interest; or (3) in the soliciting or collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering, if such solicitation or collection of funds and contributions is in accordance with and subject to the provisions of subchapter II of chapter 9 of this title, and such rules and regulations as may be prescribed thereunder;

(e) Religious, scholastic, or scientific pursuits

Any person engaging or agreeing to engage only in activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts;

(f) Defense of foreign government vital to United States defense

Any person, or employee of such person, whose foreign principal is a government of a foreign country the defense of which the President deems vital to the defense of the United States while, (1) such person or employee engages only in activities which are in furtherance of the policies, public interest, or national defense both of such government and of the Government of the United States, and are not intended to conflict with any of the domestic or foreign policies of the Government of the United States, (2) each communication or expression by such person or employee which he intends to, or has reason to believe will, be published, disseminated, or circulated among any section of the public, or portion thereof, within the United States, is a part of such activities and is believed by such person to be truthful and accurate and the identity of such person as an agent of such foreign principal is disclosed therein, and (3) such government of a foreign country furnishes to the Secretary of State for transmittal to, and retention for the duration of this subchapter by, the Attorney General such information as to the identity and activities of such person or employee at such times as the Attorney General may require. Upon notice to the Government of which such person is an agent or to such person or employee, the Attorney General, having due regard for the public interest and national defense, may, with the approval of the Secretary of State, and shall, at the request of the Secretary of State, terminate in whole or in part the exemption herein of any such person or employee;

(g) Person qualified to practice law

Any person qualified to practice law, insofar as he engages or agrees to engage in the legal representation of a disclosed foreign principal before any court of law or any agency of the Government of the United States: *Provided*, That for the purposes of this subsection legal representation does not include attempts to influence or persuade agency personnel or officials other than in the course of established agency proceedings, whether formal or informal.

(June 8, 1938, ch. 327, § 3, 52 Stat. 632; Aug. 7, 1939, ch. 521, § 2, 53 Stat. 1245; Apr. 29, 1942, ch. 263, § 3, 56 Stat. 254; Oct. 4, 1961, Pub. L. 87-366, § 2, 75 Stat. 784; July 4, 1966, Pub. L. 89-486, § 3, 80 Stat. 246.)

PRIOR PROVISIONS

Prior to general amendment of act June 8, 1938, by act Apr. 29, 1942, section related to additional registration statements after each six months period. Provisions on that subject were incorporated in section 612 of this title by 1942 amendment.

AMENDMENTS

1966—Subsec. (d). Pub. L. 89-486, § 3(a), designated existing provisions as clauses (1) and (3), deleted "financial or mercantile" preceding "activities" in clause (1) and inserted the clause (2) exemption of any person engaging or agreeing to engage in other activities not serving predominantly a foreign interest.

Subsec. (g). Pub. L. 89-486, § 3(b), added subsec. (g).

1961—Subsec. (d). Pub. L. 87-366 substituted "private and nonpolitical financial or mercantile activities in furtherance" for "private, non-political, financial, mercantile, or other activities in furtherance".

1942—Act Apr. 29, 1942, amended section generally.

1939—Act Aug. 7, 1939, amended section generally.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by section 3 of Pub. L. 89-486 as effective ninety days after July 4, 1966, see section 9 of Pub. L. 89-486, set out as an Effective Date of 1966 Amendment note under section 611 of this title.

CROSS REFERENCES

Registration functions of the Secretary of State transferred to the Attorney General, see Ex. Ord. No. 9176, set out preceding section 611 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 611 of this title; title 8 section 1251.

§ 614. Filing and labeling of political propaganda

(a) Copies to Attorney General; statement as to places, times, and extent of transmission

Every person within the United States who is an agent of a foreign principal and required to register under the provisions of this subchapter and who transmits or causes to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce any political propaganda for or in the interests of such foreign principal (i) in the form of prints, or (ii) in any other form which is reasonably adapted to being or which he believes will be, or which he intends to be, disseminated or circulated among two or more persons shall, not later than forty-eight hours after the beginning of the transmittal thereof, file with the Attorney General two copies thereof and a statement, duly signed by or on behalf of such agent, setting forth full information as to the places, times, and extent of such transmittal.

(b) Identification statement

It shall be unlawful for any person within the United States who is an agent of a foreign principal and required to register under the provisions of this subchapter to transmit or cause to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce any political propaganda for or in the interests of such foreign principal (i) in the form of prints, or (ii) in any other form which is reasonably adapted to being, or which he believes will be or which he intends to be, disseminated or circulated among two or more persons, unless such political propaganda is conspicuously marked at its beginning with, or prefaced or accompanied by, a true and accurate statement, in the language or languages used in such political propaganda, setting forth the relationship or connection between the person transmitting the political propaganda or causing it to be transmitted and such propaganda; that the person transmitting such political propaganda or causing it to be transmitted is registered under this subchapter with the Department of Justice, Washington, District of Columbia, as an agent of a foreign principal, together with the name and address of such agent of a foreign principal and of such foreign principal; that, as required by this subchapter, his registration statement is available for inspection at and copies of such political propaganda are being filed with the Department of Justice; and that registration of agents of foreign principals required by the subchapter does not indicate approval by the United States Government of the contents of their political propaganda. The Attorney General, having due regard for the national security and the public interest, may by regulation prescribe the language or languages and the manner and form in which such statement shall be made and require the inclusion of such other information contained in the registration statement identifying such agent of a foreign principal and such political propaganda and its sources as may be appropriate.

(c) Public inspection

The copies of political propaganda required by this subchapter to be filed with the Attorney General shall be available for public inspection under such regulations as he may prescribe.

(d) Library of Congress

For purposes of the Library of Congress, other than for public distribution, the Secretary of the Treasury and the Postmaster General are authorized, upon the request of the Librarian of Congress, to forward to the Library of Congress fifty copies, or as many fewer thereof as are available, of all foreign prints determined to be prohibited entry under the provisions of section 1305 of title 19 and of all foreign prints excluded from the mails under authority of section 1717 of title 18.

Notwithstanding the provisions of section 1305 of title 19 and of section 1717 of title 18, the Secretary of the Treasury is authorized to permit the entry and the Postmaster General is authorized to permit the transmittal in the mails of foreign prints imported for governmental purposes by authority or for the use of the United States or for the use of the Library of Congress.

(e) Information furnished to agency or official of United States government

It shall be unlawful for any person within the United States who is an agent of a foreign principal required to register under the provisions of this subchapter to transmit, convey, or otherwise furnish to any agency or official of the Government (including a Member or committee of either House of Congress) for or in the interests of such foreign principal any political propaganda or to request from any such agency or official for or in the interests of such foreign principal any information or advice with respect to any matter pertaining to the political or public interest, policies or relations of a foreign country or of a political party or pertaining to the foreign or domestic policies of the United States unless the propaganda or the request is prefaced or accompanied by a true and accurate statement to the effect that such person is registered as an agent of such foreign principal under this subchapter.

(f) Appearances before Congressional committees

Whenever any agent of a foreign principal required to register under this subchapter appears before any committee of Congress to testify for or in the interests of such foreign principal, he shall, at the time of such appearance, furnish the committee with a copy of his most recent registration statement filed with the Department of Justice as an agent of such foreign principal for inclusion in the records of the committee as part of his testimony.

(June 8, 1938, ch. 327, § 4, 52 Stat. 632; Aug. 7, 1939, ch. 521, § 3, 53 Stat. 1246; Apr. 29, 1942, ch. 263, § 1, 56 Stat. 255; July 4, 1966, Pub. L. 89-486, § 4, 80 Stat. 246.)

CODIFICATION

In subsec. (d), in the original, "section 1717 of title 18" read "section 1 of title XII of the Act of June 15, 1917 (40 Stat. 230)" which had been translated as section 343 of title 18. "Section 1717 of title 18" was substituted for "section 343 of title 18" on authority of act June 25, 1948, ch. 645, 62 Stat. 683, section 1 of which enacted Title 18, Crimes and Criminal Procedure.

PRIOR PROVISIONS

Prior to general amendment of act June 8, 1938, by act Apr. 29, 1942, section related to retention of statements as public records. Provisions on that subject were incorporated in section 616 of this title by 1942 amendment.

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-486, § 4(1), inserted "for or in the interests of such foreign principal" after "political propaganda" and substituted "file with the Attorney General two copies thereof" for "sent to the Librarian of Congress two copies thereof and file with the Attorney General one copy thereof".

Subsec. (b). Pub. L. 89-486, § 4(2), inserted "for or in the interests of such foreign principal" following "political propaganda", where first appearing, and "the relationship or connection between the person transmitting the political propaganda or causing it to be transmitted and such propaganda;" following "setting forth" and substituted "such foreign principal" for each of his foreign principals".

Subsec. (c). Pub. L. 89-486, § 4(3), substituted "filed with the Attorney General" for "sent to the Librarian of Congress".

Subsecs. (e), (f). Pub. L. 89-486, § 4(4), added subsecs. (e) and (f).

1942—Act Apr. 29, 1942, amended section generally.

1939—Act Aug. 7, 1939, amended section generally.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by section 4 of Pub. L. 89-486 as effective ninety days after July 4, 1966, see section 9 of Pub. L. 89-486, set out as an Effective Date of 1966 Amendment note under section 611 of this title.

CROSS REFERENCES

Registration functions of the Secretary of State transferred to the Attorney General, see Ex. Ord. No. 9176, set out preceding section 611 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 617, 618 of this title; title 8 section 1251.

§ 615. Books and records

Every agent of a foreign principal registered under this subchapter shall keep and preserve while he is an agent of a foreign principal such books of account and other records with respect to all his activities, the disclosure of which is required under the provisions of this subchapter, in accordance with such business and accounting practices, as the Attorney General, having due regard for the national security and the public interest, may by regulation prescribe as necessary or appropriate for the enforcement of the provisions of this subchapter and shall preserve the same for a period of three years following the termination of such status. Until regulations are in effect under this section every agent of a foreign principal shall keep books of account and shall preserve all written records with respect to his activities. Such books and records shall be open at all reasonable times to the inspection of any official charged with the enforcement of this subchapter. It shall be unlawful for any person willfully to conceal, destroy, obliterate, mutilate, or falsify, or to attempt to conceal, destroy, obliterate, mutilate, or falsify, or to cause to be concealed, destroyed, obliterated, mutilated, or falsified, any books or records required to be kept under the provisions of this section.

(June 8, 1938, ch. 327, § 5, 52 Stat. 633; Apr. 29, 1942, ch. 263, § 1, 56 Stat. 256; July 4, 1966, Pub. L. 89-486, § 5, 80 Stat. 247.)

PRIOR PROVISIONS

Prior to general amendment of act June 8, 1938, by act Apr. 29, 1942, section related to penalties. Provisions on that subject were incorporated in section 618 of this title by 1942 amendment.

AMENDMENTS

1966—Pub. L. 89-486 inserted "in accordance with such business and accounting practices," following "under the provisions of this subchapter,"

1942—Act Apr. 29, 1942, amended section generally.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by section 5 of Pub. L. 89-486 as effective ninety days after July 4, 1966, see section 9 of Pub. L. 89-486, set out as an Effective Date of 1966 Amendment note under section 611 of this title.

CROSS REFERENCES

Registration functions of the Secretary of State transferred to the Attorney General, see Ex. Ord. No. 9176, set out preceding section 611 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 617 of this title; title 8 section 1251.

§ 616. Public examination of official records; transmittal of records and information

(a) Permanent copy of statement; inspection; withdrawal

The Attorney General shall retain in permanent form one copy of all registration statements and all statements concerning the distribution of political propaganda furnished under this subchapter, and the same shall be public records and open to public examination and inspection at such reasonable hours, under such regulations, as the Attorney General may prescribe, and copies of the same shall be furnished to every applicant at such reasonable fee as the Attorney General may prescribe. The Attorney General may withdraw from public examination the registration statement and other statements of any agent of a foreign principal whose activities have ceased to be of a character which requires registration under the provisions of this subchapter.

(b) Secretary of State

The Attorney General shall, promptly upon receipt, transmit one copy of every registration statement filed hereunder and one copy of every amendment or supplement thereto, and one copy of every item of political propaganda filed hereunder, to the Secretary of State for such comment and use as the Secretary of State may determine to be appropriate from the point of view of the foreign relations of the United States. Failure of the Attorney General so to transmit such copy shall not be a bar to prosecution under this subchapter.

(c) Executive departments and agencies; Congressional committees

The Attorney General is authorized to furnish to departments and agencies in the executive branch and committees of the Congress such information obtained by him in the administration of this subchapter, including the names of registrants under this subchapter, copies of registration statements, or parts thereof, copies of political propaganda, or other documents or information filed under this subchapter, as may be appropriate in the light of the purposes of this subchapter.

(June 8, 1938, ch. 327, § 6, 52 Stat. 633; Apr. 29, 1942, ch. 263, § 1, 56 Stat. 256; July 4, 1966, Pub. L. 89-486, § 6, 80 Stat. 247.)

PRIOR PROVISIONS

Prior to general amendment of act June 8, 1938, by act Apr. 29, 1942, section related to rules and regulations. Provisions on that subject were incorporated in section 620 of this title by 1942 amendment.

Provisions on this subject were contained in section 614 of this title prior to general amendment of act June 8, 1938, by act Apr. 29, 1942.

AMENDMENTS

1966—Pub. L. 89-486 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

1942—Act Apr. 29, 1942, amended section generally.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by section 6 of Pub. L. 89-486 as effective ninety days after July 4, 1966, see section 9 of Pub. L. 89-486, set out as an Effective Date of 1966 Amendment note under section 611 of this title.

CROSS REFERENCES

Registration functions of the Secretary of State transferred to the Attorney General, see Ex. Ord. No. 9176, set out preceding section 611 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 8 section 1251; title 18 section 219.

§ 617. Liability of officers

Each officer, or person performing the functions of an officer, and each director, or person performing the functions of a director, of an agent of a foreign principal which is not an individual shall be under obligation to cause such agent to execute and file a registration statement and supplements thereto as and when such filing is required under subsections (a) and (b) of section 612 of this title and shall also be under obligation to cause such agent to comply with all the requirements of sections 614(a) and (b) and 615 of this title and all other requirements of this subchapter. Dissolution of any organization acting as an agent of a foreign principal shall not relieve any officer, or person performing the functions of an officer, or any director, or person performing the functions of a director, from complying with the provisions of this section. In case of failure of any such agent of a foreign principal to comply with any of the requirements of this subchapter, each of its officers, or persons performing the functions of officers, and each of its directors, or persons performing the functions of directors, shall be subject to prosecution therefor.

(June 8, 1938, ch. 327, § 7, 52 Stat. 633; Apr. 29, 1942, ch. 263, § 1, 56 Stat. 256; Aug. 3, 1950, ch. 524, § 2, 64 Stat. 400.)

PRIOR PROVISIONS

Section 7 of act June 8, 1938, prior to the general amendment of that act by act Apr. 29, 1942, provided for the effective date of the 1938 act. See Effective Date note under section 611 of this title.

AMENDMENTS

1950—Act Aug. 3, 1950, continued the obligation of officers, directors, and persons acting as such to comply with this subchapter despite the dissolution of a foreign agent.

1942—Act Apr. 29, 1942, amended section generally.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 8 section 1251.

§ 618. Enforcement and penalties

(a) Violations; false statements and willful omissions

Any person who—

(1) willfully violates any provision of this subchapter or any regulation thereunder, or

(2) in any registration statement or supplement thereto or in any statement under section 614(a) of this title concerning the distribution of political propaganda or in any other document filed with or furnished to the Attorney General under the provisions of this subchapter willfully makes a false statement of a material fact or willfully omits any material fact required to be stated therein or willfully omits a material fact or a copy of a material document necessary to make the statements therein and the copies of documents furnished therewith not misleading, shall, upon conviction thereof be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both, except that in the case of a violation of subsection (b), (e), or (f) of section 614 of this title or of subsection (g) or (h) of this section the punishment shall be a fine of not more than $5,000 or imprisonment for not more than six months, or both.

(b) Proof of identity of foreign principal

In any proceeding under this subchapter in which it is charged that a person is an agent of a foreign principal with respect to a foreign principal outside of the United States, proof of the specific identity of the foreign principal shall be permissible but not necessary.

(c) Deportation

Any alien who shall be convicted of a violation of, or a conspiracy to violate, any provision of this subchapter or any regulation thereunder shall be subject to deportation in the manner provided by sections 1251 to 1253 of title 8.

(d) Nonmailable matter

The Postmaster General may declare to be nonmailable any communication or expression falling within clause (2) of section 611(j) of this title in the form of prints or in any other form reasonably adapted to, or reasonably appearing to be intended for, dissemination or circulation among two or more persons, which is offered or caused to be offered for transmittal in the United States mails to any person or persons in any other American republic by any agent of a

foreign principal, if the Postmaster General is informed in writing by the Secretary of State that the duly accredited diplomatic representative of such American republic has made written representation to the Department of State that the admission or circulation of such communication or expression in such American republic is prohibited by the laws thereof and has requested in writing that its transmittal thereto be stopped.

(e) Continuing offense

Failure to file any such registration statement or supplements thereto as is required by either section 612(a) or section 612(b) of this title shall be considered a continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary.

(f) Injunctive remedy; jurisdiction of district court; expedition of proceedings

Whenever in the judgment of the Attorney General any person is engaged in or about to engage in any acts which constitute or will constitute a violation of any provision of this subchapter, or regulations issued thereunder, or whenever any agent of a foreign principal fails to comply with any of the provisions of this subchapter or the regulations issued thereunder, or otherwise is in violation of the subchapter, the Attorney General may make application to the appropriate United States district court for an order enjoining such acts or enjoining such person from continuing to act as an agent of such foreign principal, or for an order requiring compliance with any appropriate provision of the subchapter or regulation thereunder. The district court shall have jurisdiction and authority to issue a temporary or permanent injunction, restraining order or such other order which it may deem proper. The proceedings shall be made a preferred cause and shall be expedited in every way.

(g) Deficient registration statement

If the Attorney General determines that a registration statement does not comply with the requirements of this subchapter or the regulations issued thereunder, he shall so notify the registrant in writing, specifying in what respects the statement is deficient. It shall be unlawful for any person to act as an agent of a foreign principal at any time ten days or more after receipt of such notification without filing an amended registration statement in full compliance with the requirements of this subchapter and the regulations issued thereunder.

(h) Contingent fee arrangement

It shall be unlawful for any agent of a foreign principal required to register under this subchapter to be a party to any contract, agreement, or understanding, either express or implied, with such foreign principal pursuant to which the amount or payment of the compensation, fee, or other remuneration of such agent is contingent in whole or in part upon the success of any political activities carried on by such agent.

(June 8, 1938, ch. 327, § 8, as added Apr. 29, 1942, ch. 263, § 1, 56 Stat. 257, and amended Sept. 23, 1950, ch. 1024, title I, § 20, 64 Stat. 1005; June 27, 1952, ch. 477, title IV, § 402(d), 66 Stat. 414; Aug. 1, 1956, ch. 849, § 1, 70 Stat. 899; July 4, 1966, Pub. L. 89-486, § 7, 80 Stat. 248.)

PRIOR PROVISIONS

Provisions on this subject were contained in section 615 of this title prior to general amendment of act June 8, 1938, by act Apr. 29, 1942.

AMENDMENTS

1966—Subsec. (a)(2). Pub. L. 89-486, § 7(1), added the exception provision.

Subsecs. (f) to (h). Pub. L. 89-486, § 7(2), added subsecs. (f) to (h).

1956—Act Aug. 1, 1956, amended credit to section by redesignating section 20(b) of act Sept. 23, 1950, as section 20.

1952—Subsec. (c). Act June 27, 1952, substituted "sections 1251 to 1253 of title 8" for "sections 155 and 156 of title 8".

1950—Subsec. (e). Act Sept. 23, 1950 added subsec. (e).

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by section 7 of Pub. L. 89-486 as effective ninety days after July 4, 1966, see section 9 of Pub. L. 89-486, set out as an Effective Date of 1966 Amendment note under section 611 of this title.

CROSS REFERENCES

Military or civilian censorship prohibited, and preservation of certain constitutional rights, see section 798 of Title 50, War and National Defense.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 8 section 1251; title 50 sections 782, 795, 798.

§ 619. Territorial applicability of subchapter

This subchapter shall be applicable in the several States, the District of Columbia, the Territories, the Canal Zone, the insular possessions, and all other places now or hereafter subject to the civil or military jurisdiction of the United States.

(June 8, 1938, ch. 327, § 9, as added Apr. 29, 1942, ch. 263, § 1, 56 Stat. 257, and amended Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

CODIFICATION

Words "including the Philippine Islands," were deleted from section pursuant to Proc. No. 2695, which granted independence to the Philippine Islands under the authority of section 1394 of this title, under which section Proc. No. 2695 is set out as a note.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 8 section 1251.

§ 620. Rules and regulations

The Attorney General may at any time make, prescribe, amend, and rescind such rules, regulations, and forms as he may deem necessary to carry out the provisions of this subchapter.

(June 8, 1938, ch. 327, § 10, as added Apr. 29, 1942, ch. 263, § 1, 56 Stat. 257.)

PRIOR PROVISIONS

Provisions on this subject were contained in section 616 of this title prior to general amendment of act June 8, 1938, by act Apr. 29, 1942.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 8 section 1251.

§ 621. Reports to Congress

The Attorney General shall, from time to time, make a report to the Congress concerning the administration of this subchapter, including the nature, sources, and content of political propaganda disseminated or distributed.

(June 8, 1938, ch. 327, § 11, as added Apr. 29, 1942, ch. 263, § 1, 56 Stat. 258.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 8 section 1251.

CHAPTER 12—CLAIMS COMMISSIONS

§§ 661 to 672. Omitted

CODIFICATION

Sections 661 to 672, which established the American Mexican Claims Commission in 1942 for the settlement of certain claims, were omitted as expired pursuant to the provisions of section 661(d), which provided that the authority of the Commission shall terminate at the expiration of four years after the date on which a majority of its members first appointed took office.

Section 661, acts Dec. 18, 1942, ch. 766, § 2, 56 Stat. 1058; Apr. 3, 1945, ch. 52, § 5, 69 Stat. 50; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972, established the American Mexican Claims Commission, prescribed its composition, provided for the compensation of its members, and specified its termination date.

Section 662, acts Dec. 18, 1942, ch. 766, § 3, 56 Stat. 1058; Mar. 28, 1947, ch. 23, 61 Stat. 24, related to jurisdiction of the Commission and to presentation of claims.

Section 663, acts Dec. 18, 1942, ch. 766, § 4, 56 Stat. 1059; Apr. 3, 1945, ch. 52, §§ 4, 7, 69 Stat. 49, 50, related to the authority of the Commission to examine and render final decisions in those cases where claims were appraised by prior commissions.

Section 664, acts Dec. 18, 1942, ch. 766, § 5, 56 Stat. 1060; Apr. 3, 1945, ch. 52, §§ 1, 2, 59, Stat. 49, related to the determination of claims.

Section 665, act Dec. 18, 1942, ch. 766, § 6, 56 Stat. 1061, related to determinations made by prior commissions, and to certification by the Secretary of State.

Section 666, act Dec. 18, 1942, ch. 766, § 7, 56 Stat. 1061, provided for the conversion of appraisals from Mexican to American currency, and for interest on the award or appraisal.

Section 667, acts Dec. 18, 1942, ch. 766, § 8, 56 Stat. 1061; Apr. 3, 1945, ch. 52, §§ 3, 6, 59 Stat. 49, 50, created the Mexican Claims Fund, provided for appropriations to the Fund, and for the manner of payments from such Fund.

Section 668, act Dec. 18, 1942, ch. 766, § 9, 56 Stat. 1062, provided for the payment of awards.

Section 669, act Dec. 18, 1942, ch. 766, § 10, 56 Stat. 1062, authorized appropriations for the Commission to carry out its functions, and provided for deductions from the award or appraisal as reimbursement for the expenses incurred by the United States.

Section 670, act Dec. 18, 1942, ch. 766, § 11(a), 56 Stat. 1063, related to distribution of awards by Special Mexican Claims Commission pursuant to the Convention signed Apr. 24, 1943.

Section 671, act Dec. 18, 1942, ch. 766, § 12, 56 Stat. 1063, related to claims based on international arbitral awards prior to the convention of 1923.

Section 672, act Dec. 18, 1942, ch. 766, § 13, 56 Stat. 1063, defined terms used in sections 661 to 671 of this title.

REPEALS

Acts Dec. 18, 1942, ch. 766, § 2, 56 Stat. 1058; Apr. 3, 1945, c. 52, § 5, 59 Stat. 50, formerly classified to section 661 of this title, were repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651, 652.

CHAPTER 13—SERVICE COURTS OF FRIENDLY FOREIGN FORCES

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- 701. Definitions.
- 702. Arrest of offenders.
- 703. Attendance of witnesses.
  - (a) Subpoena; contempt; fees.
  - (b) Members of armed forces.
  - (c) False testimony; punishment.
- 704. Immunities of courts and witnesses.
- 705. Imprisonment.
- 706. Operative effect dependent upon Presidential finding.

§ 701. Definitions

As used in this chapter, unless the context clearly requires a different meaning—

(a) "Friendly foreign force" means any military, naval, or air force of any friendly foreign state with respect to which this chapter is operative by virtue of a Presidential declaration as provided in section 706 of this title.

(b) "Service court" means any military, naval, or air force court, or court martial or similar tribunal of any friendly foreign force within the United States.

(c) "United States" means the United States, its Territories, its insular possessions, the Canal Zone, and any other place subject to the jurisdiction of the United States.

(June 30, 1944, ch. 326, § 1, 58 Stat. 643; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

CODIFICATION

The phrase "(including the Philippine Islands)" was deleted from the definition of the term "United States" in subsection (b), pursuant to 1946 Proc. No. 2695, which granted independence to the Philippine Islands under the authority of section 1394 of this title, under which section Proc. No. 2695 is set out as a note.

§ 702. Arrest of offenders

Upon a specific or general request of the officer commanding any friendly foreign force, having service courts of appropriate jurisdiction within the United States, it shall be lawful for any person in the civil, military, or naval establishments of the United States having authority to arrest, summarily to arrest any member of such force designated in such request and to deliver him to the custody of any officer of such force or to the custody of the military or naval authorities of the United States who shall deliver him forthwith to the custody of an officer of such force, for trial in such service courts within the United States for such offenses as shall lie within the jurisdiction of the service courts of such friendly foreign force: *Provided*, That the trial of any member of such friendly foreign force for an offense against a member of the civilian population shall be in open court (except where security consideration forbids), shall take place promptly in the United States and within a reasonable distance from the place where the offense is alleged to have been committed, for the convenience of witnesses.

(June 30, 1944, ch. 326, § 2, 58 Stat. 643.)

§ 703. Attendance of witnesses

(a) Subpoena; contempt; fees

Any district court of the United States, or the United States courts of any Territory or possession, within the jurisdiction of which proceedings are had before any service court of a friendly foreign force, or within the jurisdiction of which any person is found, shall have jurisdiction, upon application made by a service court of a friendly foreign force, to issue to such person an order requiring him to appear before the service court or an officer designated to take a deposition for use before such service court and there to produce evidence or give testimony if so ordered. Any failure to obey such order of the court may be punished by said court as a contempt thereof: *Provided*, That the fees of such witnesses and the mileage at the rate allowed to witnesses attending the courts of the United States should be duly paid or tendered in advance to such witnesses, with funds to be supplied by the friendly foreign force. Except as expressly permitted by the court, in its discretion, no such order shall run into any other district.

(b) Members of armed forces

Attendance of witnesses in the armed services of the United States shall be obtained by request addressed to the discretion of the commanding officer or of the person whose testimony is required.

(c) False testimony; punishment

Persons subject to the jurisdiction of the United States, who are not members of a friendly foreign force, who shall give false testimony or shall commit any act in the presence of a service court of a friendly foreign force which, if committed before a court of the United States, would be in contempt thereof, shall upon conviction by a court of the United States be fined not more than $2,000 or imprisoned for not more than six months, or both.

(June 30, 1944, ch. 326, § 3, 58 Stat. 644; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

CODIFICATION

Words "or any court of first instance of the Philippine Commonwealth" were deleted pursuant to Proc. No. 2695, which granted independence to the Philippines under the authority of section 1394 of this title, under which section said Proc. No. 2695 is set out as a note.

In subsec. (a), reference to "the District Court of the United States for the District of Columbia" was omitted since the District of Columbia constitutes a judicial district, and the District Court of the United States for the District of Columbia is included within the term "district courts of the United States" as used in such subsection. See sections 88 and 132 of Title 28, Judiciary and Judicial Procedure.

§ 704. Immunities of courts and witnesses

Members of any service court of a friendly foreign force lawfully exercising jurisdiction in the United States in relation to members of such force, and any witnesses appearing before such service court, shall enjoy the same immunities and privileges as are enjoyed by members of a court martial of the United States and by witnesses appearing before such a court martial.

(June 30, 1944, ch. 326, § 4, 58 Stat. 644.)

§ 705. Imprisonment

Persons sentenced to imprisonment by a service court of a friendly foreign force may be confined in disciplinary barracks, guardhouses, or other places of detention of the United States armed forces or in penitentiaries or other institutions employed by the United States for the detention or treatment of prisoners, at the expense of the state on whose behalf the prisoner is detained.

(June 30, 1944, ch. 326, § 5, 58 Stat. 644.)

§ 706. Operative effect dependent upon Presidential finding

This chapter shall be operative with respect to the military, naval, or air forces of any foreign state only after a finding and declaration by the President that the powers and privileges provided herein are necessary for the maintenance of discipline. The President may at any time revoke such finding and declaration.

(June 30, 1944, ch. 326, § 6, 58 Stat. 645.)

PROCLAMATION NO. 2626

Proc. No. 2626, Oct. 12, 1944, 9 F.R. 12403, respecting activation by President, was revoked by Proc. No. 3107, Aug. 9, 1955, 20 F.R. 5805.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 701 of this title.

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 285a, 290g-1, 1223, 1230, 1232, 1928, 2024, 2385, 2454, 2504, 2506, 2514, 2582; 2588, 2605, 2684 of this title; title 5 sections 5102, 5304, 5724, 8501; title 26 section 2055; title 42 section 5055.

SUBCHAPTER I—GENERAL PROVISIONS

§ 801. Congressional declaration of objectives

The Congress declares that the objectives of this chapter are to develop and strengthen the Foreign Service of the United States so as—

(1) to enable the Foreign Service effectively to serve abroad the interests of the United States;

(2) to insure that the officers and employees of the Foreign Service are broadly representative of the American people and are aware of and fully informed in respect to current trends in American life;

(3) to enable the Foreign Service adequately to fulfill the functions devolving on it by reason of the transfer to the Department of State of functions heretofore performed by other Government agencies;

(4) to provide improvements in the recruitment and training of the personnel of the Foreign Service;

(5) to provide that promotions leading to positions of authority and responsibility shall be on the basis of merit and to insure the selection on an impartial basis of outstanding persons for such positions;

(6) to provide for the temporary appointment or assignment to the Foreign Service of representative and outstanding citizens of the United States possessing special skills and abilities;

(7) to provide salaries, allowances, and benefits that will permit the Foreign Service to draw its personnel from all walks of American life and to appoint persons to the highest positions in the Service solely on the basis of their demonstrated ability;

(8) to provide a flexible and comprehensive framework for the direction of the Foreign Service in accordance with modern practices in public administration; and

(9) to codify into one chapter all provisions of law relating to the administration of the Foreign Service.

(Aug. 13, 1946, ch. 957, title I, § 111, 60 Stat. 999.)

EFFECTIVE DATE

Section 1141 of act Aug. 13, 1946, provided that: "The effective date of this Act [this chapter] shall be three months following the date of its enactment [Aug. 13, 1946]."

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-350, title V, § 500, July 12, 1976, 90 Stat. 834, provided that: "This title [which enacted sections 1063(a)(4), 1064(1) to (6), 1065, 1071(c) to (f), 1076(g) to (i), 1076a, 1082(f), (g), 1091(c) to (f), and 1121(f) of this title, redesignated as section 1064(7) to (9) former section 1064(b)(4) to (6) of this title, amended sections 915(b), 1001, 1002, 1004(b)(2), 1007(b), 1063(b)(2), 1076(a), (b), (d) to (f), 1081(a), (c) to (e), 1082(a) to (d), 1084, 1086, 1091(a), 1105, 1111, 1116, and 1121(a) to (c) of this title, repealed sections 1063(c), 1083, 1092, 1094, and 1229(b) of this title, and enacted provisions set out as notes under sections 915, 1001, 1063, 1064, 1076, 1076a, 1086, 1091, 1121, and 1229 of this title] may be cited as the 'Foreign Service Retirement Amendments of 1976'."

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-201, § 1, Feb. 28, 1970, 84 Stat. 17, provided: "That this Act [enacting sections 1105 and 1106 of this title, amending sections 1064, 1071, 1076, 1082, 1091, and 1092, and 1121 of this title, and enacting provisions set out as notes under sections 1064, 1071, 1076, 1082, 1091, 1106, and 1121 of this title] may be cited as the 'Foreign Service Act Amendments of 1969'."

SHORT TITLE OF 1965 AMENDMENT

Pub. L. 89-308, § 1, Oct. 31, 1965, 79 Stat. 1129, provided: "That this Act [enacting sections 1079m to 1079s and 1121 of this title, and amending sections 1076 and 1082 of this title] may be cited as the 'Foreign Service Annuity Adjustment Act of 1965.' "

SHORT TITLE OF 1962 AMENDMENT

Pub. L. 87-793, title IX, § 901, Oct. 11, 1962, 76 Stat. 861, provided that: "This title [amending sections 867, 870, and 1017 of this title, and enacting provisions set out as a note under section 867] may be cited as the 'Foreign Service Salary Reform Act of 1962'."

SHORT TITLE OF 1960 AMENDMENT

Pub. L. 86-723, § 1, Sept. 8, 1960, 74 Stat. 831, provided that "This Act [which added sections 900, 968, 996, 1084, 1095, and 1112 of this title, amended sections 295, 809, 871, 872, 881, 886, 889, 911, 912, 915, 928, 936, 937, 961, 965, 995, 1001, 1002, 1004 to 1008, 1016, 1017, 1041, 1044, 1063, 1064, 1071, 1076, 1081, 1082, 1086, 1091, 1092, 1111, 1116, 1137, and 1138 of this title, section 170p of former Title 5, Executive Departments and Government Officers and Employees, and section 104 of Title 26, Internal Revenue Code, repealed sections 887, 925, 966 and 967 of this title, and enacted notes set out under sections 809, 842, 1007, and 1112 of this title] may be cited as the 'Foreign Service Act Amendments of 1960'."

SHORT TITLE OF 1956 AMENDMENT

Act July 28, 1956, ch. 770, § 1, 70 Stat. 704, provided that: "This Act [enacting section 1151 of this title, and amending sections 801, 867, 867 note, 869(a), 911, 912, 1004(b), 1005, 1007(a), 1076(a), (b), 1111, 1132, 1139, 1156, 1157(a), (b), and 1158 of this title] may be cited as the 'Foreign Service Act Amendments of 1956'."

SHORT TITLE OF 1955 AMENDMENT

Act Apr. 5, 1955, ch. 23, § 1, 69 Stat. 24, provided that: "This Act [amending sections 868, 882, 888, 912, 922, 961, 1003, 1004, 1064, 1092, 1093, 1104, 1131, 1136, and 1158 of this title, and amending provisions set out as notes under sections 868 and 1092 of this title] may be cited as 'Foreign Service Act Amendments of 1955'."

SHORT TITLE

Section 101 of act Aug. 13, 1946, provided that "Titles I to X, inclusive, of this Act [enacting this chapter and amending section 681 of former Title 5, Executive Departments and Government Officers and Employees] may be cited as the 'Foreign Service Act of 1946'."

REPEALS

Section 1132 of act Aug. 13, 1946, provided that any section not expressly repealed by this chapter but which is inconsistent with any of the provisions of this

chapter shall be considered as having been amended or superseded by this chapter.

RIGHTS AND LIABILITIES UNDER REPEALED SECTIONS

Section 1133 of act Aug. 13, 1946, provided that the repeal of sections by this chapter should not in any way affect acts done or rights accruing or accrued, or any suits or proceedings had or commenced in any civil case, prior to such repeal, but that all rights and liabilities should continue as if such repeal had not been made.

PRIOR REPEALS UNAFFECTED

Section 1134 of act Aug. 13, 1946, provided that the repeal of any section by this chapter shall not be construed as a revival, up to the effective date of this chapter, of any section which may have been previously repealed by implication.

SEPARABILITY OF PROVISIONS

Section 1062 of act Aug. 13, 1946, provided that: "If any provision of this Act [this chapter] or the application of any such provision to any person or circumstance shall be held invalid, the validity of the remainder of the Act [this chapter] and the applicability of such provision to other persons or circumstances shall not be affected thereby."

APPROPRIATIONS

Section 1071 of act Aug. 13, 1946, provided that: "Appropriations to carry out the purposes of this Act [this chapter] are hereby authorized."

USE OF APPROPRIATIONS

Section 1122 of act Aug. 13, 1946, provided that: "Funds appropriated to the Department of State for the fiscal year 1947, under the caption 'Foreign Service', are hereby made available for the purposes of this Act [this chapter] in accordance with authority granted herein and such regulations as the Secretary may prescribe. The appropriation of such additional funds as may be required to carry out the provisions of this Act [this chapter] is hereby authorized."

APPOINTMENT OF ADDITIONAL FOREIGN SERVICE OFFICERS

Section 1064 of Act Aug. 13, 1946 provided that: "Nothing in this Act [this chapter] shall be construed to affect the provisions of sections 1, 2, 3, and 4 of the Act of July 3, 1946 (Public Law 488, Seventy-ninth Congress) [set out as a note under section 906 of this title]. The 'classified grades' within the meaning of that Act [set out as a note under section 906 of this title] shall, from and after the effective date of this Act [this chapter], be construed to mean classes 1 to 5, inclusive."

CONTINUANCE OF EXISTING RULES, REGULATIONS, AND EXECUTIVE ORDERS

Section 1135 of act Aug. 13, 1946, provided that: "Notwithstanding the provisions of this Act [this chapter], existing rules, regulations of or applicable to the Service, and Executive orders shall remain in effect until revoked or rescinded or until modified or superseded by regulations made in accordance with the provisions of this Act [this chapter], unless clearly inconsistent with the provisions of this Act [this chapter]."

CONSTRUCTION OF CHAPTER

Section 1061 of act Aug. 13, 1946, provided that: "The provisions of this Act [this chapter] shall be construed liberally in order to effectuate its purpose."

CATCHLINES OF CHAPTER

Section 1063 of act Aug. 13, 1946, provided that: "The headings descriptive of the various titles, parts, and sections of this Act [this chapter] are inserted for convenience only, and, in case of any conflict between any such heading and the substance of the title, part, or section to which it relates, the heading shall be disregarded."

EX. ORD. NO. 11636. EMPLOYEE MANAGEMENT RELATIONS IN THE FOREIGN SERVICE

EX ORD. NO. 11636, Dec. 17, 1971, 36 F.R. 24901, provided:

WHEREAS, the public interest requires high standards of performance by the members of the Foreign Service of the United States and the continuous development and implementation of modern and progressive work practices to facilitate their improved performance and efficiency; and

WHEREAS, the effective participation by the men and women of the Foreign Service in the formulation of personnel policies and procedures affecting the conditions of their employment is essential to the efficient administration of the Foreign Service and to the well-being of its members; and

WHEREAS, the unique conditions of Foreign Service employment require a distinct framework for the development and implementation of modern, constructive and cooperative relationships between management officials in the foreign affairs agencies and organizations representing Foreign Service employees; and

WHEREAS, subject to law and the paramount requirements of public service, effective employee-management relations within the Foreign Service require a clear statement of the respective rights and obligations of organizations and agency management; and

WHEREAS, the effectiveness of the foreign affairs agencies is well served by measures which stress their essential unity of purpose:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including sections 3301 and 7301 of title 5, United States Code, and section 202 of the Revised Statutes (22 U.S.C. 2656), and as President of the United States, I hereby direct that the following policies shall govern the foreign affairs agencies in all dealings with Foreign Service employees and organizations representing them.

GENERAL PROVISIONS

SECTION 1. *Policy.* (a) Each employee has the right, freely and without fear of penalty or reprisal, to form, join, and assist any organization as defined herein or to refrain from any such activity, and each employee shall be protected in the exercise of this right. Except as otherwise expressly provided in this Order, the right to assist an organization extends to participation in the management of the organization and acting for the organization in the capacity of an organization representative, including presentation of its views to officials of the executive branch, the Congress, or other appropriate authority. The head of each foreign affairs agency shall take the action required to assure that employees in the agency are apprised of their rights under this section, and that no interference, restraint, coercion, or discrimination is practiced within his agency to encourage or discourage membership in an organization.

(b) Paragraph (a) of this section does not authorize participation in the management of an organization or acting as a representative of an organization by a management official or a confidential employee, or by an employee when the participation or activity would result in a conflict or apparent conflict of interest or otherwise be incompatible with law or with the official duties of the employee.

SEC. 2. *Definitions.* When used in this Order, the term—

(a) "Foreign affairs agency" means the Department of State, the United States Information Agency, the Agency for International Development and its successor agency or agencies;

(b) "Employee" means an officer or employee of the Foreign Service, wherever serving, other than an alien clerk or employee or consular agent, appointed in or assigned to a foreign affairs agency under authority of

the Foreign Service Act of 1946, as amended [this chapter]; the Foreign Assistance Act of 1961, as amended [section 2151 et seq. of this title]; or Public Law 90-494 [section 1221 et seq. of this title];

(c) "Management official" means an individual who:

(1) is a chief of mission or principal officer;

(2) is serving in a position in a foreign affairs agency to which he has been appointed by the President, by and with the advice and consent of the Senate, or by the President alone;

(3) occupies a position which in the sole judgment of the head of his foreign affairs agency is of comparable importance;

(4) is serving as a deputy to any of the above; or

(5) is engaged in the administration of this Order or in the formulation of the personnel policies and programs of his agency;

(d) "Confidential employee" means an individual who assists and acts in a confidential capacity to a management official who formulates, determines or effectuates management policies in the field of employee-management relations;

(e) "Agency management" means management officials and confidential employees in a foreign affairs agency;

(f) "Organization" means a lawful organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of dealing with agencies concerning grievances, personnel policies and practices, or other matters affecting the working conditions of their members, but does not include an organization which—

(1) consists solely of management officials;

(2) assists or participates in a strike against the Government of the United States or any agency thereof, or imposes a duty or obligation to conduct, assist or participate in such a strike;

(3) advocates the overthrow of the constitutional form of government in the United States; or

(4) discriminates with regard to the terms or conditions of membership because of race, color, creed, sex, age, or national origin.

(g) "Secretary" means the Secretary of State;

(h) "Board" means the Board of the Foreign Service;

(i) "Commission" means the Employee-Management Relations Commission established under section 5 of this Order; and

(j) "Public members" means an individual who is not an employee of the United States Government (other than as a special Government employee) and who is selected to serve on a disputes panel or a grievance panel established under this Order.

SEC. 3. *Application.* (a) This Order applies to all employees except as provided in subsection (b) below.

(b) The head of a foreign affairs agency may, in his sole judgment, suspend temporarily any provision of this Order with respect to any post, bureau, office, or activity, in the United States or abroad, when he determines in writing in emergency situations that this is necessary in the national interest, subject to the conditions he prescribes. Such suspension shall not operate to deny access by an employee to the grievance procedures established under section 10 of this Order.

ADMINISTRATION

SEC. 4. *Board of the Foreign Service.* (a) The Board shall, in accordance with the regulations prescribed by the Secretary under section 16 of this Order:

(1) consider major policy issues arising in the administration of this Order, appeals on substantive aspects of personnel policy or procedure, proposed amendments to this Order and such other matters as it deems appropriate to assure the effectuation of the purposes of this Order;

(2) make recommendations on regulations for the implementation of this Order;

(3) interpret this Order and the regulations of the Secretary, except as provided in section 5; and

(4) perform such additional functions relating to the administration of this Order as the Secretary may from time to time prescribe.

(b) In the performance of its functions under this Order, the Board (including committees and panels thereof) may:

(1) obtain views from interested agencies, organizations and other parties, orally or in writing, as it may deem necessary and appropriate;

(2) receive staff assistance from a secretariat which shall be responsible directly to the Chairman of the Board and otherwise independent of foreign affairs agency management; and

(3) request and use the services and assistance of other agencies in accordance with the Secretary's regulations.

SEC. 5. *Employee-Management Relations Commission.*

(a) There is hereby established, as a committee of the Board, an Employee-Management Relations Commission composed of those Board members or participants representing the Department of Labor, the Civil Service Commission, and the Office of Management and Budget. The representative of the Office of Management and Budget shall be the Chairman of the Commission.

(b) The Commission shall:

(1) decide questions relating to the eligibility of organizations for recognition under this Order;

(2) supervise elections to determine whether an organization should be recognized as the exclusive representative of the employees in a foreign affairs agency, and certify the results;

(3) decide complaints of alleged unfair practices and alleged violations of the standards of conduct for organizations; and

(4) decide questions of whether an obligation to consult exists under section 8 of this Order with respect to particular issues.

(c) In any matter arising under paragraph (b) of this section, the Commission shall have final authority and may require an agency or an organization to cease and desist from a violation of this Order and require it to take such affirmative action as the Commission considers appropriate to effectuate the policies of this Order.

(d) The Commission shall prescribe regulations needed to administer its functions under this section. Substantive regulations of the Commission shall be subject to review by the Board.

SEC. 6. *Disputes Panel.* (a) The Chairman of the Board shall designate a panel which shall assist in resolving disputes arising in the course of consultation under section 8. The panel shall consist of two members of the Foreign Service, neither of whom shall be a management official, a confidential employee or an organization official; one representative of the Department of Labor; one member of the Federal Service Impasses Panel; and one public member. The Chairman of the Board shall designate the Chairman of the panel.

(b) In any case where an appeal is made under section 9, the panel shall make findings of fact and recommendations to the Board for its consideration in deciding the appeal. In the performance of this function, the panel may, in cases it deems appropriate, attempt to mediate disputes and to promote agreements between representatives of foreign affairs agencies and recognized organizations.

RECOGNITION

SEC. 7. *Recognition in General.* (a) An organization seeking recognition shall:

(1) Submit to the commission and to the foreign affairs agency concerned copies of its constitution and by-laws, a statement of its objectives and a roster of its officers; and

(2) establish to the satisfaction of the Commission, in its sole discretion, that the organization functions under acceptable democratic and ethical standards and that it meets the other requirements of this Order.

(b) Elections may be held to determine whether—

(1) an organization should be recognized as the exclusive representative of employees in a foreign affairs agency, other than management officials and confidential employees;

(2) an organization should replace another organization as the exclusive representative; or

(3) an organization should cease to be the exclusive representative.

All elections shall be conducted under the supervision of the Commission, or persons designated by the Commission, and shall be by secret ballot. Each employee eligible to vote shall be provided the opportunity to choose the organization he wishes to represent him from among those on the ballot, or to vote not to have a representative. The results of the election shall be determined on the basis of the majority of valid ballots cast.

(c) A foreign affairs agency shall accord recognition to an organization certified by the Commission following an election as the exclusive representative of the employees in the foreign affairs agency.

(d) An organization which is the exclusive representative of the employees in a foreign affairs agency is entitled to act for all employees in the agency, other than management officials and confidential employees, in collective dealings with agency management as provided for in this Order. It is responsible for representing the interests of all such employees without discrimination and without regard to organization membership.

(e) Nothing in this Order shall:

(1) preclude an employee, regardless of whether he is a member of an organization, from bringing matters of personal concern, to the attention of appropriate officials under applicable law, rule, regulations, or established foreign affairs agency policy; or from choosing his own representative in a grievance or other administrative adjudication;

(2) preclude or restrict consultations and dealings between a foreign affairs agency and a veterans' organization with respect to matters of particular interest to employees with veterans preference; or

(3) preclude a foreign affairs agency from consulting or dealing with a religious, social, fraternal, professional or other lawful association, not qualified for recognition, with respect to matters or policies which involve individual members of the association or are of particular applicability to it or its members. Consultations and dealings under this subparagraph shall be so limited that they do not assume the character of formal consultation on matters of general employee-management policy, or extend to areas where recognition of the interests of one employee group may result in discrimination against or injury to the interests of other employees.

CONSULTATION AND APPEALS

Sec. 8. *Consultation.* (a) A foreign affairs agency and a recognized organization, through appropriate representatives, shall, to the extent, consistent with applicable law and regulations, consult in good faith regularly and prior to the adoption of proposed or revised personnel policies and procedures, including grievance procedures, which affect working conditions of employees. When a personnel policy or procedure is for application jointly to employees in more than one foreign affairs agency, the consultations shall be held jointly between representatives of the foreign affairs agencies involved and representatives of the recognized organizations in those agencies. The results of consultations shall be reduced to writing and signed by the parties.

(b) Foreign affairs agency management shall reserve the right in accordance with applicable law and regulations:

(1) to direct employees of the agencies;

(2) to hire, promote, transfer, assign, and to retain employees in positions within the foreign affairs agencies and to suspend, demote, discharge or take other disciplinary action against employees;

(3) to relieve employees from duties because of lack of work or for other legitimate reasons;

(4) to maintain the efficiency of the Government operations entrusted to them;

(5) to determine the methods, means, and personnel by which such operations are to be conducted; and

(6) to take whatever actions may be necessary to carry out the missions of the agencies in situations of emergency.

The foregoing rights reserved to foreign affairs agency management shall also be applicable in the administration of agreements reached under paragraph (a) of this section.

(c) The obligation to consult does not include matters with respect to the mission of a foreign affairs agency; its budget; its organization; the number of employees; and the numbers, types, and grades of positions or employees assigned to an organizational unit, work project or tour of duty; the technology of performing its work; or its internal security practices. Consultations will not extend to foreign policy matters or other substantive responsibilities of the foreign affairs agencies. This paragraph shall not preclude consultation with respect to providing appropriate arrangements for employees adversely affected by the impact of realignment of work forces or technological change.

Sec. 9. *Appeals.* (a) When consultation under section 8 of this Order does not result in agreement with respect to substantive aspects of a personnel policy or procedure, a recognized organization may appeal the management decision on the matter to the Board in writing. The Board will consider on appeal any matter that it determines is substantive in nature. A substantive matter for purposes of this section is a matter that creates, defines or changes rights of employees or organizations or the conditions relating to such rights. In the consideration of such an appeal, the Board will utilize a disputes panel as provided in section 6 of this Order. The decision of the Board shall be eligible to participate in the consideration of an appeal agency concerned.

(b) No member of the Board who is directly responsible for personnel operations in a foreign affairs agency shall be eligible to participate in the consideration of an appeal under this section.

(c) Foreign affairs agency management shall defer or suspend the implementation of a management decision which is appealed under this section during the pendency of the appeal, except to the extent that the head of the foreign affairs determines that immediate implementation of a decision being appealed is required in the national interest.

Sec. 10. *Grievances.* The foreign affairs agencies, after consultation under section 8 with representatives of recognized organizations, shall establish procedures for the fair and impartial resolution of employee grievances. Employee grievances shall include, but shall not be limited to complaints in which an employee, has alleged that it is necessary to correct his record in order to remove or prevent an injustice. Such procedures shall include provision for informal steps to resolve grievances directly with management officials as well as formal steps within the agency when grievances are not resolved through informal means. Formal grievances shall be considered and decided by a panel which shall include public membership and which shall be independent of foreign affairs agency management other than the Secretary in the performance of its functions.

Sec. 11. *Periodic Conferral and Review.* (a) In addition to the consultation described in section 8, the Secretary shall, by regulation, establish procedures for reasonable access to the management of foreign affairs agencies by recognized organizations for the purpose of:

(1) exchanging information and offering suggestions relating to the improvement of agency operations and effectiveness and the establishment of administrative policies that will serve the public interest;

(2) discussing the operation of this Order and procedures established thereunder;

(3) considering ways in which relationships between foreign affairs agencies and recognized organizations may be improved and strengthened; and

(4) reviewing together with foreign affairs agencies and recognized organizations annually the relationships established pursuant to this Order in order to assure that their evolution takes into account developments elsewhere in the Federal Government as well as the special needs of the Foreign Service.

Conferral under this section shall not extend to matters excluded from the obligation to consult under section 8(c) of this Order, in the absence of agreement by the parties.

(b) Recommendations by management or organizations following conferral under this section, including recommendations for amendments to this Order, shall be submitted to the Board for its consideration. Based upon the findings of the Board, the Secretary shall, from time to time, make reports and recommendations to the President.

CONDUCT OF ORGANIZATIONS AND MANAGEMENT

SEC. 12. *Standards of Conduct for Organizations.* (a) In order to be eligible for recognition an organization must be free from corrupt influences and practices and influences opposed to democratic principles. In addition, it must maintain democratic procedures and practices, including provisions for periodic elections to be conducted subject to recognized safeguards as well as provisions defining and securing the rights of individual members to participation in the affairs of the organization, to fair and equal treatment under the governing rules of the organization and to fair process in disciplinary proceedings.

(b) A recognized organization shall file with the Commission financial and other reports, provide for bonding of officials and employees of the organization and comply with trusteeship and election standards, in accordance with regulations prescribed by the Commission. These regulations shall conform generally to those applicable to unions in the private sector and to labor organizations in the Federal service.

SEC. 13. *Unfair Practices.* (a) Agency management shall not—

(1) interfere with, restrain, or coerce an employee in the exercise of the rights assured by this Order;

(2) encourage or discourage membership in an organization by discrimination in regard to hiring, tenure, promotion, or other conditions of employment;

(3) sponsor, control, or otherwise assist an organization, except that a foreign affairs agency may furnish customary and routine services and facilities when consistent with the best interests of the foreign affairs agency, its employees, and the organization, and when the services and facilities are furnished, if requested, on an impartial basis to organizations having equivalent status;

(4) discipline or otherwise discriminate against an employee because he has filed a complaint or given testimony under this Order;

(5) refuse to accord recognition to an organization qualified for such recognition; or

(6) refuse to consult, or confer, with a recognized organization as required by this Order.

(b) An organization shall not—

(1) interfere with, restrain, or coerce an employee in the exercise of his rights assured by this Order;

(2) attempt to induce foreign affairs agency management to coerce an employee in the exercise of his rights under this Order;

(3) coerce, attempt to coerce, or discipline, fine, or take other economic sanction against a member of the organization as punishment or reprisal for, or for the purpose of hindering or impeding his work performance, his productivity, or the discharge of his duties owed as an officer or employee of the United States;

(4) call or engage in a strike, work stoppage, or slowdown; picket an agency in an employee-management dispute; or condone any such activity by failing to take affirmative action to prevent or stop it;

(5) discriminate against an employee with regard to the terms or conditions of membership because of race, color, creed, sex, age, or national origin; or

(6) refuse to consult, or confer, with a foreign affairs agency as required by this Order.

MISCELLANEOUS PROVISIONS

SEC. 14. *Use of Official Time.* Solicitation of membership or dues, and other internal business of an organization, shall be conducted during the non-duty hours of the employees concerned. The Secretary shall establish by regulation reasonable limitations upon the use of official time for consultation and conferral under this Order.

SEC. 15. *Allotment of Dues.* When a foreign affairs agency and the organization agree in writing, a foreign affairs agency may deduct the regular and periodic dues of an organization recognized under this Order from the pay of members of the organization who make a voluntary allotment for that purpose. Such an allotment is subject to the regulations of the Civil Service Commission, which shall include provision for the employee to revoke his authorization at stated six-month intervals. Such an allotment terminates when the dues withholding agreement between a foreign affairs agency and the organization is terminated or ceases to be applicable to the employee.

SEC. 16. *Regulations.* The Secretary, after consultation with the heads of other foreign affairs agencies and with representatives of organizations and with the advice of the Board, is authorized to prescribe regulations for the implementation of this Order. The Secretary's regulations shall become effective no later than 120 days after the effective date of this Order.

SEC. 17. *Agency Implementation.* No later than 90 days after the effective date of the regulations prescribed under section 16, each foreign affairs agency shall issue appropriate implementing policies and regulations consistent with this Order and the regulations prescribed by the Secretary. Such foreign affairs agency regulations shall include but shall not be limited to a clear statement of the rights of the foreign affairs agency's employees under this Order; procedures with respect to consultation and conferral with organizations; policies with respect to the use of foreign affairs agency facilities by organizations; and policies and practices regarding consultation with other associations and individual employees. The foreign affairs agencies shall consult with representatives of organizations in the formulation of these policies and regulations.

SEC. 18. *Amendments to Executive Orders.* (a) Section 3(b) of Executive Order No. 11491 of October 29, 1969 (34 F.R. 17605), as amended [set out as a note under section 7301 of Title 5, Government Organization and Employees], is hereby further amended by adding a new item (5) as follows:

"(5) The Foreign Service of the United States: Department of State, United States Information Agency and Agency for International Development and its successor agency or agencies."

(b) Section 21 of Executive Order No. 11264 of December 31, 1965 (31 F.R. 2), as amended [set out as a note under section 826 of this title], is hereby further amended as follows:

(1) by revising subsection (d) to read as follows:

"(d) Each member designated pursuant to subsection (b)(1), (b)(2) or (b)(3) above, and each representative designated pursuant to subsection (c) above, shall be chosen from among the officials of the department or agency concerned who are not below the rank of an Assistant Secretary or who are occupying positions of comparable responsibility, except that alternate members and representatives may be designated who do not hold such rank or occupy such positions.";

(2) by adding a new subsection (f) as follows:

"(f) Designation of members pursuant to subsections (b)(1) and (b)(3) shall be made after consultation with organizations recognized as the representatives of Foreign Service employees so that the Secre-

tary and the Director may take into account their views."

SEC. 19. *Effective Date.* This Order shall become effective upon publication in the FEDERAL REGISTER.

RICHARD NIXON.

§ 802. Definitions

When used in this chapter, the term—

(1) "Service" means the Foreign Service of the United States;

(2) "Secretary" means the Secretary of State;

(3) "Department" means the Department of State;

(4) "Government agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States;

(5) "Government" means the Government of the United States of America;

(6) "Continental United States" means the States and the District of Columbia;

(7) "Abroad" means all areas not included in the continental United States as defined in paragraph (6) of this section;

(8) "Principal officer" means the officer in charge of an embassy, legation, or other diplomatic mission or of a consulate general, consulate, or vice consulate of the United States; and

(9) "Chief of mission" means a principal officer appointed by the President, by and with the advice and consent of the Senate, to be in charge of an embassy or legation or other diplomatic mission of the United States, or any person assigned under the terms of this chapter to be minister resident, charge d'affaires, commissioner, or diplomatic agent.

(Aug. 13, 1946, ch. 957, title I, § 121, 60 Stat. 1000.)

§ 803. Prohibitions; wearing of uniforms

An officer or employee of the Service holding a position of responsibility in the Service shall not wear any uniform except such as may be authorized by law or such as a military commander may require civilians to wear in a theater of military operations.

(Aug. 13, 1946, ch. 957, title X, § 1001, 60 Stat. 1030.)

§ 804. Acceptance of gifts by chief of mission or other principal officer

A chief of mission or other principal officer may, under such regulations as the President may prescribe, accept gifts made to the United States or to any political subdivision thereof by the government to which he is accredited or from which he holds an exequatur.

(Aug. 13, 1946, ch. 957, title X, § 1002, 60 Stat. 1030; Oct. 15, 1966, Pub. L. 89-673, § 8(3), 80 Stat. 953.)

AMENDMENTS

1966—Pub. L. 89-673 deleted prohibition against a Service officer or employee asking or, without Congressional consent, receiving for himself or any other person, any present, emolument, favor, office, or title from any foreign government, which is now covered by section 2621 et seq. of this title.

CROSS REFERENCES

Acceptance of gifts on behalf of the United States, see section 809 of this title.

§ 805. Engaging in business abroad

An officer or employee of the Service shall not, while holding office, transact or be interested in any business or engage for profit in any profession in the country or countries to which he is assigned abroad in his own name or in the name or through the agency of any other person, except as authorized by the Secretary.

(Aug. 13, 1946, ch. 957, title X, § 1003, 60 Stat. 1030.)

§ 806. Personal correspondence on affairs of foreign governments; recommendations for employment

(a) An officer or employee of the Service shall not correspond in regard to the public affairs of any foreign government except with the proper officers of the United States, except as authorized by the Secretary.

(b) An officer or employee of the Service shall not recommend any person for employment in any position of trust or profit under the government of the country to which he is detailed or assigned, except as authorized by the Secretary.

(Aug. 13, 1946, ch. 957, title X, § 1004, 60 Stat. 1030.)

CROSS REFERENCES

Private correspondence with foreign governments, see section 953 of Title 18, Crimes and Criminal Procedure.

§ 807. Political, racial, religious, or color discrimination

In carrying out the provisions of this chapter no political test shall be required and none shall be taken into consideration, nor shall there be any discrimination against any person on account of race, creed, or color.

(Aug. 13, 1946, ch. 957, title X, § 1005, 60 Stat. 1030.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2385, 2454, 2506 of this title.

§ 808. Repealed. Pub. L. 92-310, title II, § 227(c), June 6, 1972, 86 Stat. 207

Section, act Aug. 13, 1946, ch. 957, title X, § 1011, 60 Stat. 1030, related to bonds of officers and employees.

IMPAIRMENT OF EXISTING BONDS

Section 1121 of act Aug. 13, 1946, provided that: "The provisions of this Act [this chapter] shall not operate to impair the validity of any existing bond furnished by any officer or employee of the Service."

§ 809. Acceptance of gifts on behalf of the United States

(a) Unconditional and conditional gifts

The Secretary may accept on behalf of the United States gifts made unconditionally by will or otherwise for the benefit of the Depart-

ment including the Service or for the carrying out of any of its functions. Conditional gifts may be so accepted at the discretion of the Secretary, and the principal of and income from any such conditional gift shall be held, invested, reinvested, and used in accordance with its conditions but no gift shall be accepted which is conditioned upon any expenditure not to be met therefrom or from the income thereof unless such expenditure has been approved by Act of Congress.

(b) Disposition

Any unconditional gift of money accepted pursuant to the authority granted in subsection (a) of this section, the net proceeds from the liquidation (pursuant to subsection (c) or subsection (d) of this section) of any other property so accepted, and the proceeds of insurance on any such gift property not used for its restoration, shall be deposited in the Treasury of the United States and are appropriated and shall be held in trust by the Secretary of the Treasury for the benefit of the Department including the Service, and he may invest and reinvest such funds in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such gifts and the income from such investments shall be available for expenditure in the operation of the Department including the Service and the performance of its functions, subject to the same examination and audit as is provided for appropriations made for the Department including the Service by Congress.

(c) Evidences of unconditional gift of intangible personal property

The evidences of any unconditional gift of intangible personal property, other than money, accepted pursuant to the authority granted in subsection (a) of this section, shall be deposited with the Secretary of the Treasury and he, in his discretion, may hold them, or liquidate them except that they shall be liquidated upon the request of the Secretary whenever necessary to meet payments required in the operation of the Department including the Service or the performance of its functions. The proceeds and income from any such property held by the Secretary of the Treasury shall be available for expenditure as is provided in subsection (b) of this section.

(d) Use of real property or tangible personal property received unconditionally

The Secretary shall hold any real property or any tangible personal property accepted unconditionally pursuant to the authority granted in subsection (a) of this section and he shall permit such property to be used for the operation of the Department including the Service and the performance of its functions or he may lease or hire such property, and may insure such property, and deposit the income thereof with the Secretary of the Treasury to be available for expenditure as provided in subsection (b) of this section. The income from any such real property or tangible personal property shall be available for expenditure in the discretion of the Secretary for the maintenance, preservation, or repair and insurance of such property and any proceeds from insurance may be used to restore the property insured. Any such property when not required for the operation of the Department including the Service or the performance of its functions may be liquidated by the Secretary, and the proceeds thereof deposited with the Secretary of the Treasury, whenever in his judgment the purpose of the gifts will be served thereby.

(e) Taxation

For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted by the Secretary under authority of this chapter shall be deemed to be a gift, devise, or bequest to or for the use of the United States.

(Aug. 13, 1946, ch. 957, title X, § 1021, 60 Stat. 1031; Sept. 8, 1960, Pub. L. 86-723, § 48, 74 Stat. 847.)

AMENDMENTS

1960—Pub. L. 86-723, § 48(a), inserted "the Department including" preceding "the Service", wherever appearing.

Subsec. (a). Pub. L. 86-723, § 48(b), substituted "at the discretion of the Secretary" for "if recommended by the Director General".

EFFECTIVE DATE OF 1960 AMENDMENT

Section 56 of Pub. L. 86-723 provided that:

"(a) The provisions of this Act [see Short Title note under section 801 of this title] shall become effective as of the first day of the first pay period which begins more than thirty days after the date of enactment of this Act [Sept. 8, 1960], except as provided in paragraph (b), (c), (d), and (e) of this section, and except as otherwise provided in the text of this Act.

"(b)(1) The provisions of paragraph (c)(1) of section 803 of the Foreign Service Act of 1946, as amended by section 31(b) of this Act [section 1063(c)(1) of this title], shall become effective on the first day of the first month which begins more than one year after the date of enactment of this Act [Sept. 8, 1960], except that any Foreign Service staff officer or employee, who at the time this Act becomes effective meets the requirements for participation in the Foreign Service Retirement and Disability System, may elect to become a participant in the System before the mandatory provisions become effective. Such Foreign Service staff officers and employees shall become participants effective on the first day of the second month following the date of their application for earlier participation.

"(2) The provisions of paragraph (c)(2) of section 803 of the Foreign Service Act of 1946, as amended by section 31(b) of this Act [section 1063(c)(2) of this title], shall become effective on the first day of the first month which begins more than three years after the date of enactment of this Act [Sept. 8, 1960].

"(c) The amendment made by section 33 of this Act [to section 1071 of this title], with respect to a contribution to the Foreign Service Retirement and Disability Fund to be made by the Department, shall become effective July 1, 1961.

"(d) The amendment made by section 41 of this Act [adding section 1095 of this title] shall take effect on the first day of the first month which begins more than thirty days after the date of enactment of this Act [Sept. 8, 1960].

"(e) The amendment made by section 51 of this Act [to section 104(a)(4) of Title 26, Internal Revenue Code] shall be effective with respect to taxable years ending after the date of enactment of this Act [Sept. 8, 1960]."

CROSS REFERENCES

Acceptance of personal gifts, etc., see section 804 of this title.

Authority of Secretary of State with respect to endowments and gifts for Foreign Service Institute, see section 1046 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1046, 2056 of this title; title 26 sections 170, 2055, 2106.

§ 810. Retention of attorneys by Secretary

The Secretary may, without regard to section 3106 of title 5, authorize a principal officer to procure legal services whenever such services are required for the protection of the interests of the Government or to enable an officer or employee of the Service to carry on his work efficiently.

(Aug. 13, 1946, ch. 957, title X, § 1031, 60 Stat. 1032.)

CODIFICATION

"Section 3106 of title 5" was substituted for "sections 189 and 365 of the Revised Statutes (5 U.S.C. 49 and 314)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 811. Repealed. May 26, 1949, ch. 143, § 5, 63 Stat. 111

Section, act Aug. 13, 1946, ch. 957, title X, § 1041, 60 Stat. 1032, related to delegation of authority by the Secretary and the Director General, and is covered by section 811a of this title.

§ 811a. Administration of Foreign Service; delegation of authority

The Secretary of State, or such person or persons designated by him, notwithstanding the provisions of this chapter or any other law, except where authority is inherent in or vested in the President of the United States, shall administer, coordinate, and direct the Foreign Service of the United States and the personnel of the State Department. Any provisions in this chapter, or in any other law, vesting authority in the "Assistant Secretary of State for Administration", the "Assistant Secretary of State in Charge of the Administration of the Department", the "Director General", or any other reference with respect thereto, are amended to vest such authority in the Secretary of State.

(May 26, 1949, ch. 143, § 3, 63 Stat. 111.)

CODIFICATION

Section was not enacted as a part of the Foreign Service Act of 1946, which comprises this chapter.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget, referred to in Ex. Ord. No. 11434, were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget.

EX. ORD. NO. 10477. AUTHORITY OF UNITED STATES INFORMATION AGENCY

Ex. Ord. No. 10477, Aug. 1, 1953, 18 F.R. 4540, as amended by Ex. Ord. No. 10822, May 20, 1959, 24 F.R. 4159, provided:

SECTION 1. *Determination.* It is hereby determined that it is necessary, in order to carry out the functions transferred to the Director of the United States Information Agency (hereinafter referred to as the Director) by the provisions of subsections (a), (b), and (c) of section 2 of the said Reorganization Plan No. 8 of 1953, to authorize the Director to exercise, in relation to respective functions so transferred, the authority specified in sections 2 and 3 hereof.

SEC. 2. *Authority under the Foreign Service Act and related laws.* (a) Except as provided in section 2(c) of this order, the Director is authorized to exercise, with respect to Foreign Service Reserve officers, Foreign Service staff officers and employees, and alien clerks and employees employed to perform the said transferred functions, the authority available to the Secretary of State under the Foreign Service Act of 1946, 60 Stat. 999 [this chapter], as heretofore or hereafter amended, or under any other provision of law pertaining specifically, or generally applicable, to Foreign Service Reserve officers, Foreign Service staff officers and employees, and alien clerks and employees, including the authority to prescribe regulations, not inconsistent with applicable laws, incident to the exercise of such authority, and including also the authority available to the Secretary of State under section 571 of the Foreign Service Act of 1956, as amended [section 961 of this title]. The Director is further authorized to exercise in the performance of the said transferred functions the authority available to the Secretary of State under sections 561 and 562 of the Foreign Service Act of 1946, as amended [see sections 713 and 5983 of Title 10, Armed Forces], and under sections 1021 through 1071 thereof [sections 801 notes, 809 and 810 of this title and section 116 of Title 26, I.R.C. 1939].

(b) The prohibitions and requirements contained in sections 1001 through 1005 and section 1011 of the Foreign Service Act of 1946, as amended [sections 803 to 807 and 808 of this title], shall be applicable to the personnel of the United States Information Agency.

(c) There are hereby excluded from the authority granted to the Director by section 2(a) of this order the following-described powers now vested in or delegated to the Secretary of State:

(1) The authority of the Secretary of State to make recommendations to the President for the commissioning of Foreign Service Reserve officers as diplomatic or consular officers, or both, under section 524 of the Foreign Service Act of 1946, as amended [section 924 of this title], and to make recommendations for the commissioning of Foreign Service staff officers or employees as consuls under section 533 of such act [section 938 of this title], and the authority of the Secretary to commission Foreign Service staff officers as vice consuls under the said section 533 [section 938 of this title]. The Director may, whenever he considers it necessary to carry out the functions transferred to him by the said Reorganization Plan No. 8 of 1953, request the Secretary of State to recommend to the President that persons employed under section 2(a) of this order be commissioned as diplomatic or consular officers, or both, or to grant such persons diplomatic or consular commissions, as appropriate.

(2) The authority vested in the President by sections 443 and 901 of the Foreign Service Act of 1946, as amended [former section 888 and section 1131 of this title], which has been delegated to the Secretary of State by Executive Orders Nos. 10000 and 10011, and successive amendments thereof, to designate places, fix rates, and prescribe regulations governing the payment of additional compensation, known as "foreign post differential", to employees in foreign areas of executive departments and independent establishments of the United States, and to designate places, fix rates, and prescribe regulations, with respect to civilian employees of the Government serving abroad, governing living-quarters allowances, cost-of-living allowances, and representation allowances.

SEC. 3. *Authority under various other statutes.* The Director is authorized to exercise the authority available to the Secretary of State or the Director of the Foreign Operations Administration, as the case may be, under the following-described provisions of law:

(a) The Foreign Service Buildings Act of 1926, as amended [section 292 et seq. of this title], regarding the acquisition, construction, alteration, repair, furnishing, exchange, and disposal of buildings and grounds in foreign countries.

(b) The act of July 9, 1949 [now covered by sections 2681 to 2683 of this title], regarding the transfer, acquisition, use, and disposal of international broadcasting facilities.

(c) The act of August 3, 1950 [now covered by item 831.00 of Tariff Schedules of the United States, section 1202 of Title 19, Customs Duties], regarding the importation of sound recordings.

(d) The provisions under the first heading "Salaries and Expenses" of the Department of State Appropriation Act, 1954, regarding (1) employment of aliens, by contract, for services abroad, (2) purchase of uniforms, (3) cost of transporting to and from a place of storage and the cost of storing the furniture and household effects of an employee of the Foreign Service who is assigned to a post at which he is unable to use his furniture and effects, under such regulations as the Secretary of State may prescribe, (4) dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others, (5) examination of estimates of appropriations in the field, (6) purchase of ice and drinking water abroad, (7) payment of excise taxes on negotiable instruments abroad, and (8) procurement, by contract or otherwise, of services, supplies and facilities, as follows: (i) maintenance, improvement, and repair of properties used for international information activities in foreign countries, (ii) fuel and utilities for Government-owned or leased property abroad, and (iii) rental or lease for periods not exceeding ten years of offices, buildings, grounds, and living quarters, and the furnishing of living quarters to officers and employees engaged in international information activities abroad [section 291 of this title].

(e) The provisions of the Department of State Appropriation Act, 1954, regarding (1) exchange of funds for payment of expenses in connection with the operation of information establishments abroad without regard to the provisions of section 3651 of the Revised Statutes [section 543 of Title 31], (section 103 of the General Provisions of the Department of State Appropriation Act, 1954), (2) payment of travel expenses outside the continental limits of the United States from funds available in the fiscal year that such travel is authorized and actually begins (section 104 of the General Provisions of the Department of State Appropriation Act, 1954), (3) granting authority to the chief of each information Field Staff to approve, with the concurrence of the Chief of Mission, use of Government-owned vehicles for travel under conditions described in section 105 of the General Provisions of the Department of State Appropriation Act, 1954, and (4) purchase with foreign currencies for use abroad of passenger motor vehicles (exclusive of buses, ambulances, and station wagons) at a cost not to exceed the equivalent of $2,200 for each vehicle (section 106 of the General Provisions of the Department of State Appropriation Act, 1954).

(f) Section 202 of the Revised Statutes of the United States [now covered by section 2656 of this title], so far as it authorizes the Secretary of State to keep the American public informed about the international information aspects of the United States foreign affairs.

(g) Section 504(d) of the Mutual Security Act of 1951, as amended (relating to reduction in personnel) [section 1655d of this title], with respect to personnel transferred from the Mutual Security Agency or the Foreign Operations Administration to the United States Information Agency.

(h) Section 161 of the Revised Statutes of the United States [now covered by section 301 of Title 5, Government Organization and Employees], and section 4 of the act of May 26, 1949 [now covered by section 2658 of this title], regarding the promulgation of rules and regulations and the delegation of authority.

SEC. 4. *Effective Date.* This order shall become effective on August 1, 1953.

EX. ORD. NO. 11434. ADMINISTRATION OF FOREIGN SERVICE PERSONNEL SYSTEMS

Ex. Ord. No. 11434, Nov. 8, 1968, 33 F.R. 16485, provided:

By virtue of the authority vested in me by the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), Reorganization Plan No. 8 of 1953 (67 Stat. 642) [set out in the Appendix to Title 5, Government Organization and Employees], Reorganization Plan No. 4 of 1965 (79 Stat. 1321) [set out in the Appendix to title 5], Public Law 90-494 (82 Stat. 810) [section 1221 et seq. of this title], and Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Policies and Regulations.* The Secretary of State with respect to the Foreign Service personnel and retirement systems and the Director of the United States Information Agency with respect to the Foreign Service personnel system of the United States Information Agency shall promulgate policies and related regulations governing such systems after consultation with the Director of the Bureau of the Budget and the Chairman of the Civil Service Commission.

SEC. 2. *Board of the Foreign Service and Board of Examiners for the Foreign Service.* The Board of the Foreign Service and the Board of Examiners for the Foreign Service established by Executive Order No. 11264 of December 31, 1965 [set out as a note under section 826 of this title], as hereinafter amended, shall exercise with respect to Foreign Service information officers the functions delegated to them by that order with respect to Foreign Service officers. The Boards shall perform such additional functions with respect to Foreign Service personnel of the United States Information Agency as the Director may from time to time delegate or otherwise assign.

SEC. 3. *Foreign Service Retirement and Disability System.* The authority vested in the President by Sections 9(b) and 16(a) of Public Law 90-494 [sections 1229(b) and 930(a) of this title] to prescribe regulations relating to participation of Foreign Service staff officers and employees of the United States Information Agency and Foreign Service Reserve officers with unlimited tenure, respectively, in the Foreign Service Retirement and Disability System is hereby delegated to the Secretary of State.

SEC. 4. *Amendment of Executive Order No. 11264.* Section 21 of Executive Order No. 11264 of December 31, 1965, is amended as follows:

(a) Paragraph (2) of subsection (b) is amended by deleting "(iii) The United States Information Agency" and redesignating subdivision (iv) as subdivision (iii).

(b) Paragraph (3) of subsection (b) is redesignated as paragraph (4) and the following new paragraph (3) is added:

"(3) Two officials of the United States Information Agency who shall be designated as members of the Board by the Director of the United States Information Agency."

(c) Subsection (d) is amended by substituting "subsection (b)(1), (b)(2) or (b)(3)" for "subsection (b)(1) or (b)(2)."

SEC. 5. *Effective Date.* This order shall be effective as of August 20, 1968, and the Secretary of State and the Director of the United States Information Agency, in their discretion and consistent with law, may make rules and regulations pursuant to this order effective on or after that date.

LYNDON B. JOHNSON.

CROSS REFERENCES

Arms control and disarmament, exercise by Director of United States Arms Control and Disarmament Agency of authority of Secretary of State with respect to Foreign Service Reserve and Staff personnel, see section 2582 of this title.

§ 812. Fees; accounting; stamps

The provisions of sections 99 and 1196 of this title, relative to official fees and the method of

accounting therefor shall apply to diplomatic officers below the grade of minister and to consular officers.

(May 24, 1924, ch. 182, § 18, formerly § 11, 43 Stat. 142, renumbered and amended Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1209.)

REFERENCES IN TEXT

Section 1196 of this title, referred to in the text, was repealed by act June 28, 1955, ch. 196, 69 Stat. 187.

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

AMENDMENTS

1931—Act Feb. 23, 1931, substituted the term "shall apply to diplomatic officers below the grade of minister and to consular officers" for "shall include both branches of the Foreign Service".

EFFECTIVE DATE OF 1931 AMENDMENT

Section 7 of act Feb. 23, 1931, provided: "That this Act shall take effect on July 1, 1931."

§ 813. Fiscal districts; establishment; district accounting and disbursing offices; personnel; duties

The President is authorized, whenever the necessity for such offices with a view to effecting economies in accounting procedure is apparent, to prescribe certain fiscal districts or areas and to establish within each such district as a part of the Department of State service, a district accounting and disbursing office to exercise control over the accounts and returns of all diplomatic missions and consular offices within the district in such manner as the President may direct. To each such office may be assigned the administrative accounting responsibility for receipts and expenditures of the diplomatic missions and consular offices within the district. Each district office shall be in charge of an accountable officer, to whom all fees, and other official monies, received by any diplomatic, consular, or Foreign Service officer may be accounted for, under such rules and regulations as may be prescribed by the Secretary of State, all such fees and monies, or the residue thereof after the payment of salaries, allowances, and current expenses of the diplomatic missions and consular offices within the district, to be paid by the district accounting and disbursing officer into the Treasury of the United States. Such district accounting and disbursing officers accountable for public monies may entrust monies to other officers for the purpose of having them make disbursements as his agent, and the officer to whom the monies are entrusted, as well as the officer who entrusts the monies to him, shall be held pecuniarily responsible therefor to the United States. All diplomatic, consular or Foreign Service officers on duty within the area covered by such district offices may be required to render accounts of their disbursements to the officer in charge of such district office to be included in his accounts.

Provided further, That the Secretary of State is authorized to appoint such district accounting and disbursing officers and their assistants in the same manner as clerks in diplomatic missions and consular offices are appointed.

Section 496 of title 31, and any other existing statutes, in so far as they conflict with this section are amended.

(May 24, 1924, ch. 182, § 35, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1216, and amended June 6, 1972, Pub. L. 92-310, title II, § 227(b), 86 Stat. 207.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

AMENDMENTS

1972—Pub. L. 92-310 eliminated provisions which required district accounting and disbursing officers and their agents to be bonded.

EFFECTIVE DATE

Section effective July 1, 1931, see section 7 of act Feb. 23, 1931, set out as an Effective Date of 1931 Amendment note under section 812 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 814 of this title.

§ 814. Fees and official monies from diplomatic missions, consular offices and district accounting and disbursing offices; disposition

All fees and other official monies received by diplomatic missions or consular offices or by the district accounting and disbursing offices provided in section 813 of this title, may be transmitted through the Department of State for deposit in the United States Treasury, or may be used in payment of salaries, allowances, and current expenses of said missions and offices, under such rules and regulations as the President may from time to time prescribe; the residue, if any, to be transmitted through the Department of State for deposit in the United States Treasury.

(May 24, 1924, ch. 182, § 36, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1216.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

EFFECTIVE DATE

Section effective July 1, 1931, see section 7 of act Feb. 23, 1931, set out as an Effective Date of 1931 Amendment note under section 812 of this title.

§ 815. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section, act June 10, 1933, ch. 57, 48 Stat. 122, related to protection of diplomatic codes, and is covered by section 952 of Title 18, Crimes and Criminal Procedure.

§ 816. Educational facilities for children of employees

Whenever the Secretary determines that educational facilities are not available, or that existing educational facilities are inadequate, to meet the needs of children of American citizens stationed outside the United States engaged in carrying out Government activities, he is authorized, in such manner as he deems appropriate and under such regulations as he may prescribe, to establish, operate, and maintain primary schools, and school dormitories and related educational facilities for primary and secondary schools, outside the United States, or to

make grants of funds for such purposes, or otherwise provide for such educational facilities. The provisions of the Foreign Service Buildings Act, 1926, as amended [22 U.S.C. 292 et seq.], and of paragraphs (h) and (i) of section 2670 of this title, may be utilized by the Secretary in providing assistance for education facilities. Assistance may include, but shall not be limited to, hiring, transporting, and payment of teachers and other necessary personnel.

(Aug. 13, 1946, ch. 957, title X, § 1081, as added Dec. 16, 1963, Pub. L. 88-205, pt. IV, § 404(d), 77 Stat. 391.)

REFERENCES IN TEXT

The Foreign Service Buildings Act, 1926, as amended, referred to in text, is act May 7, 1926, ch. 250, 44 Stat. 403, as amended, which is classified generally to chapter 8 (§ 292 et seq.) of this title. For complete classification of this Act to the Code, see section 299 of this title and Tables volume.

CODIFICATION

"Paragraphs (h) and (i) of section 2670 of this title" was substituted for "paragraphs (h) and (i) of section 3 of the Act entitled 'An Act to provide certain basic authority for the Department of State,' approved August 1, 1956 (5 U.S.C. 170(h) and 170h(i))" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 831, section 1 of which enacted Title 5, Government Organization and Employees.

§ 817. Malpractice protection

(a) Exclusiveness of remedies; immunity of professional and supporting personnel

The remedy—

(1) against the United States provided by sections 1346(b) and 2672 of title 28, or

(2) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under such sections,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, nurse, pharmacist, or paramedical (including medical and dental assistants and technicians, nursing assistants, and therapists) or other supporting personnel of the Department of State (including the Agency for International Development) in furnishing medical care or related services, including the conducting of clinical studies or investigations, while in the exercise of his or her duties in or for the Department of State or any other Federal department, agency, or instrumentality shall be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or his or her estate) whose act or omission gave rise to such claim.

(b) Civil actions defended by United States Government; delivery of and recipients of pleadings and process

The United States Government shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) of this section (or his or her estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver, within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon him or her or an attested true copy thereof to whomever was designated by the Secretary to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Secretary.

(c) Removable actions or proceedings; certification; venue; remand or dismissal; suspension of limitations

Upon a certification by the Attorney General that the defendant was acting within the scope of his or her employment in or for the Department of State or any other Federal department, agency, or instrumentality at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (a) of this section is not available against the United States, the case shall be remanded to the State court except that where such remedy is precluded because of the availability of a remedy through proceedings for compensation or other benefits from the United States as provided by any other law, the case shall be dismissed, but in that event, the running of any limitation of time for commencing, or filing an application or claim in, such proceedings for compensation or other benefits shall be deemed to have been suspended during the pendency of the civil action or proceeding under this section.

(d) Compromise or settlement of claims

The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28 and with the same effect.

(e) Nonapplication of section 2680(h) of title 28 to the enumerated torts arising out of negligence in furnishing medical care or related services

For purposes of this section, the provisions of section 2680(h) of title 28 shall not apply to any tort enumerated therein arising out of negligence in the furnishing of medical care or related services, including the conducting of clinical studies or investigations.

(f) Protection of professional and supporting personnel, by holding harmless or providing liability insurance, against damages for injuries or death negligently caused in furnishing medical care or related services during foreign area assignments or non-Federal service, or under circumstances precluding judicial or administrative remedies

The Secretary may, to the extent, he deems appropriate, hold harmless or provide liability insurance for any person to whom the immunity provisions of subsection (a) of this section

apply, for damages for personal injury, including death, negligently caused by any such person while acting within the scope of his or her office or employment and as a result of the furnishing of medical care or related services, including the conducting of clinical studies or investigations, if such person is assigned to a foreign area or detailed for service with other than a Federal agency or institution, or if the circumstances are such as are likely to preclude the remedies of third persons against the United States provided by sections 1346(b) and 2672 of title 28 for such damage or injury.

(g) Medical care or related service within scope of employment

For purposes of this section, any medical care or related service covered by this section and performed abroad by a covered person at the direction or with the approval of the United States Ambassador or other principal representative of the United States in the area shall be deemed to be within the scope of employment of the individual performing the service.

(Aug. 13, 1946, ch. 957, title X, § 1091, as added July 12, 1976, Pub. L. 94-350, title I, § 119, 90 Stat. 827.)

SUBCHAPTER II—GOVERNING BODIES OF THE SERVICE

PART A—OFFICERS

§ 821. Director General; appointment; duties

The Service shall be administered by a Director General of the Foreign Service, referred to in this chapter as the Director General, who shall be appointed by the Secretary from among Foreign Service officers in the class of career minister or in class 1. Under the general supervision of the Secretary and the Assistant Secretary of State in charge of the administration of the Department, the Director General shall, in addition to administering the Service and performing the duties specifically vested in him by this chapter or any other Act, coordinate the activities of the Service with the needs of the Department and of other Government agencies and direct the performance by officers and employees of the Service of the duties imposed on them by the terms of any law or by any order or regulation issued pursuant to law or by any international agreement to which the United States is a party.

(Aug. 13, 1946, ch. 957, title II, § 201, 60 Stat. 1000.)

ADMINISTRATION OF SERVICE

Administration of Service by Secretary of State and delegation of his authority, see section 811a of this title.

§ 822. Repealed. May 26, 1949, ch. 143, § 5, 63 Stat. 111

Section, act Aug. 13, 1946, ch. 957, title II, § 202, 60 Stat. 1000, related to the Deputy Director General.

PART B—BOARDS

§ 826. Board of the Foreign Service; composition; duties

(a) The Board of the Foreign Service shall be composed of the Assistant Secretary of State in charge of the administration of the Department, who shall be Chairman; two other Assistant Secretaries of State, designated by the Secretary to serve on the Board; the Director General; and one representative each, occupying positions with comparable responsibilities, from the Departments of Agriculture, Commerce, and Labor, designated, respectively, by the heads of such departments. The Secretary may request the head of any other Government department to designate a representative, occupying a position with comparable responsibilities, to attend meetings of the Board whenever matters affecting the interest of such department are under consideration.

(b) The Board of the Foreign Service shall make recommendations to the Secretary concerning the functions of the Service; the policies and procedures to govern the selection, assignment, rating, and promotion of Foreign Service officers; and the policies and procedures to govern the administration and personnel management of the Service; and shall perform such other duties as are vested in it by other sections of this chapter or by the terms of any other Act.

(Aug. 13, 1946, ch. 957, title II, § 211, 60 Stat. 1001.)

ADMINISTRATION OF SERVICE

Administration of Service by Secretary of State and delegation of his authority, see section 811a of this title.

ESTABLISHMENT OF THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS OF THE FOREIGN SERVICE

Both the Board of the Foreign Service and the Board of Examiners for the Foreign Service were established and functions delegated to them by Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, set out below. The prior Board of the Foreign Service and Board of Examiners for the Foreign Service were both abolished and their functions, together with the functions of their chairman and other officers, were transferred to the President of the United States by sections 1(c), (d), and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

FUNCTIONS RESPECTING FOREIGN SERVICE INFORMATION OFFICERS

Board of the Foreign Service authorized to exercise certain functions respecting Foreign Service information officers and additional functions delegated by the Director of the United States Information Agency, see section 2 of Ex. Ord. No. 11434, Nov. 8, 1968, 33 F.R. 16485, set out as a note under section 811a of this title.

EX. ORD. NO. 10522. AUTHORITY OF THE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY

Ex. Ord. No. 10522, Mar. 26, 1954, 19 F.R. 1689, provided:

SECTION 1. The Director of the United States Information Agency is hereby authorized to carry out the functions of the Board of the Foreign Service, provided for by the Foreign Service Act of 1946 (60 Stat. 999) [this chapter], with respect to personnel appointed or assigned for service in the United States Information Agency under the provisions of such Act, as amended [this chapter]: *Provided*, That nothing herein contained shall be construed as transferring to the said Director any function of the said Board relating to any Foreign Service Officer.

SEC. 2. The Director of the United States Information Agency is hereby authorized to prescribe such

regulations and issue such orders and instructions, not inconsistent with law, as may be necessary or desirable for carrying out his functions under section 1 of this order.

DWIGHT D. EISENHOWER.

EX. ORD. NO. 11264. BOARD OF THE FOREIGN SERVICE AND BOARD OF EXAMINERS FOR THE FOREIGN SERVICE

Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67 as amended by Ex. Ord. No. 11434, Nov. 8, 1968, 33 F.R. 16485; Ex. Ord. No. 11636, Dec. 17, 1971, 36 F.R. 24901, provided:

By virtue of the authority vested in me by Reorganization Plan No. 4 of 1965 (30 F.R. 9353) [set out in the Appendix to Title 5], and as President of the United States it is ordered as follows:

PART I—SECRETARY OF STATE

SECTION 1. *Delegation of functions.* Except to the extent inconsistent with Sections 22(a) and 32(a) of this Order, all the functions which were transferred to the President by Sections 1(c) and 1(d) of Reorganization Plan No. 4 of 1965 are hereby delegated to the Secretary of State, hereinafter referred to as the Secretary.

SEC. 2. *Redelegation.* The Secretary may redelegate the functions delegated to him by the provisions of Section 1 of this Order to officials or bodies of the Department of State.

PART II—BOARD OF THE FOREIGN SERVICE

SEC. 21. *Establishment of Board.* (a) There is hereby established in the Department of State the Board of the Foreign Service, hereafter in this Part referred to as the Board.

(b) The Board shall be composed of:

(1) Five officials of the Department of State, each of whom shall be designated as a member of the Board by the Secretary and one of whom shall be so designated from among the officials of the Agency for International Development.

(2) One official of each of the following who in each case shall be designated as a member of the Board by the head of the department or agency concerned:

(i) The Department of Commerce

(ii) The Department of Labor

(iii) Such other executive departments and agencies as shall be designated from time to time by the Secretary, each of which shall have one member on the Board.

(3) Two officials of the United States Information Agency who shall be designated as members of the Board by the Director of the United States Information Agency.

(4) The Chairman of the United States Civil Service Commission.

(c) The Secretary may invite the head of any executive department or other agency which is not represented on the Board by a member of the Board to designate a representative to participate in meetings of the Board whenever matters of substantial interest to such department or agency are to considered by the Board.

(d) Each member designated pursuant to subsection (b)(1), (b)(2) or (b)(3) above, and each representative designated pursuant to subsection (c) above, shall be chosen from among the officials of the department or agency concerned who are not below the rank of an Assistant Secretary or who are occupying positions of comparable responsibility, except that alternate members and representatives may be designated who do not hold such rank or occupy such positions.

(e) The Secretary shall from time to time designate a member of the Board as the chairman of the Board.

(f) Designation of members pursuant to subsections (b)(1) and (b)(3) shall be made after consultation with organizations recognized as the representatives of Foreign Service employees so that the Secretary and the Director may take into account their views.

SEC. 22. *Functions of the Board.* (a) There are hereby delegated to the Board the functions which prior to the taking effect of Reorganization Plan No. 4 of 1965 were vested in the Board of the Foreign Service abolished by that plan by Section 211(b) of the Foreign Service Act of 1946 (22 U.S.C. 826(b)), exclusive of that part thereof which follows the last semicolon in the Section, and by Section 637(a) of that Act (22 U.S.C. 1007(a)).

(b) The Board shall perform such additional functions as the Secretary may from time to time delegate or otherwise assign thereto.

PART III—BOARD OF EXAMINERS FOR THE FOREIGN SERVICE

SEC. 31. *Establishment of Board.* (a) There is hereby established in the Department of State the Board of Examiners for the Foreign Service, hereinafter referred to as the Board of Examiners.

(b) The membership of the Board of Examiners shall be constituted in accordance with regulations prescribed by the Secretary. The Secretary shall from time to time designate a member of the Board of Examiners as the chairman thereof. Not more than one half of the membership of the Board of Examiners may be made up of officers of the Foreign Service.

SEC. 32. *Functions of the Board.* (a) There are hereby delegated to the Board of Examiners the functions which prior to the taking effect of Reorganization Plan No. 4 of 1965 were vested in the Board of Examiners for the Foreign Service abolished by that plan by Sections 212(a), 516(a), and 517 of the Foreign Service Act of 1946 (22 U.S.C. 827(a); 911(a); 912).

(b) The Board of Examiners shall perform such additional functions as the Secretary may from time to time delegate or otherwise assign thereto.

SEC. 33. *Direction and supervision.* All functions delegated or otherwise assigned by or pursuant to this Part shall be performed subject to the direction and supervision of the Secretary.

PART IV—MISCELLANEOUS PROVISIONS

SEC. 41. *Administrative arrangements.* (a) The Department of State is hereby designated as the agency which shall provide administrative services and facilities for the Board of the Foreign Service and the Board of Examiners.

(b) Upon request of the Secretary, the heads of executive departments and agencies shall, as far as practicable, furnish the Board of the Foreign Service and the Board of Examiners information and reports relating to matters within the cognizance of the respective boards.

SEC. 42. *Savings provisions.* (a) Except to the extent that they may be inconsistent with this Order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements and other actions made, issued, or entered into with respect to any functions affected by this Order and not revoked, superseded, or otherwise made inapplicable before the effective date of this Order shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(b) For the purposes of any proceeding or other business which immediately before the effective date of Reorganization Plan No. 4 of 1965 or of this Order was pending or in process before the Board of the Foreign Service or the Board of Examiners for the Foreign Service as established by the provisions of the Foreign Service Act of 1946 [this chapter] or by the provisions of Executive Order No. 11240 of August 4, 1965, the bodies established by Parts II and III of this Order shall be deemed to represent continuations of the respective Boards.

(c) Nothing in Reorganization Plan No. 4 of 1965 (30 F.R. 9353) or in this Order or in any Executive order issued before the date of this Order shall be deemed to terminate or impair any of the following:

(1) The availability to the Director of the United States Information Agency of the authority which was made available to him by Executive Order No. 10522 of March 26, 1954 (set out as a note under this section).

(2) The available to the Administrator of the Agency for International Development of the authority which was made available to him by Section 2(b)(3) of State Department Delegation of Authority No. 104 of November 3, 1961, 26 F.R. 10608.

(3) The availability to the Director of the Peace Corps of the authority which was made available to him by Section 2(b)(3) of State Department Delegation of Authority No. 85-11A of August 29, 1962, 27 F.R. 9074.

(4) The availability to the Secretary of State of the authority which was vested in him by Section 42(3) of the Arms Control and Disarmament Act (22 U.S.C. 2582(3)).

SEC. 43. *Effective date.* The provisions of this Order shall be effective as of January 1, 1966.

LYNDON B. JOHNSON.

CROSS REFERENCES

Arms control and disarmament, exercise by Director of United States Arms Control and Disarmament Agency of authority of Board of Foreign Service with respect to Foreign Service Reserve and Staff personnel, see section 2582 of this title.

§ 827. Board of Examiners for the Foreign Service; duties; composition

(a) The Board of Examiners for the Foreign Service, shall, in accordance with regulations prescribed by the Secretary and under the general supervision of the Board of the Foreign Service, provide for and supervise the conduct of such examinations as may be given to candidates for appointment as Foreign Service officers in accordance with the provisions of sections 911 and 912 of this title or to any other person to whom an examination for admission to the Service shall be given in accordance with the provisions of this chapter or any other Act or any regulations issued pursuant thereto, and provide for such procedures as may be necessary to determine the loyalty of such persons to the United States and their attachment to the principles of the Constitution.

(b) The membership of the Board of Examiners for the Foreign Service, not more than half of which shall consist of Foreign Service officers, shall be constituted in accordance with regulations prescribed by the Secretary.

(Aug. 13, 1946, ch. 957, title II, § 212, 60 Stat. 1001.)

FUNCTIONS RESPECTING FOREIGN SERVICE INFORMATION OFFICERS

Board of Examiner's for the Foreign Service authorized to exercise certain functions respecting Foreign Service information officers and additional functions delegated by the Director of the United States Information Agency, see section 2 of Ex. Ord. No. 11434, Nov. 8, 1968, 33 F.R. 16485, set out as a note under section 811a of this title.

ESTABLISHMENT OF THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS OF THE FOREIGN SERVICE

Both the Board of the Foreign Service and the Board of Examiners for the Foreign Service were established and functions delegated to them by Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, set out under section 826 of this title. The prior Board of the Foreign Service and Board of Examiners for the Foreign Service were both abolished and their functions, together with the functions of their chairman and other officers, were transferred to the President of the United States by sections 1(c), (d), and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

SUBCHAPTER III—DUTIES OF OFFICERS AND EMPLOYEES

PART A—GENERAL

§ 841. Compliance with laws, international agreements, and executive orders

Officers and employees of the Service shall, under the direction of the Secretary, represent abroad the interests of the United States and shall perform the duties and comply with the obligations resulting from the nature of their appointments or assignments or imposed on them by the terms of any law or by any order or regulation issued pursuant to law or by any international agreement to which the United States is a party.

(Aug. 13, 1946, ch. 957, title III, § 301, 60 Stat. 1001.)

§ 842. Regulations of Secretary governing duties

The Secretary shall, except in an instance where the authority is specifically vested in the President, have authority to prescribe regulations not inconsistent with the Constitution and the laws of the United States in relation to the duties, functions, and obligations of officers and employees of the Service and the administration of the Service.

(Aug. 13, 1946, ch. 957, title III, § 302, 60 Stat. 1001.)

DELEGATION OF RULE MAKING AUTHORITY BY PRESIDENT

Ex. Ord. No. 9452, June 26, 1944, 9 F.R. 7183, as amended by Ex. Ord. No. 9514, Jan. 18, 1945, 10 F.R. 771, authorized the Secretary of State to make rules and regulations governing the Foreign Service.

EXISTING RULES AND REGULATIONS CONTINUED

Pub. L. 86-723, § 54, Sept. 8, 1960, 74 Stat. 848, provided that: "Notwithstanding the provisions of this Act [Pub. L. 86-723], existing rules and regulations of or applicable to the Foreign Service of the United States shall remain in effect until revoked or rescinded or until modified or superseded by regulations made in accordance with the provisions of the Foreign Service Act of 1946, as amended by this Act [see Short Title note under section 801 of this title], unless clearly inconsistent with the provisions of this Act [Pub. L. 86-723] or the provisions so amended."

Section 54 of Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as a note under section 809 of this title.

§ 843. Delegation of authority to prescribe regulations

In cases where authority to prescribe regulations relating to the Service or the duties and obligations of officers and employees of the Service is specifically vested in the President by the terms of this chapter or any other Act, the President may, nevertheless, authorize the Secretary to prescribe such regulations.

(Aug. 13, 1946, ch. 957, title III, § 303, 60 Stat. 1002.)

DELEGATION OF RULE MAKING AUTHORITY BY PRESIDENT

Ex. Ord. No. 9452, June 26, 1944, 9 F.R. 7183, as amended by Ex. Ord. No. 9514, Jan. 18, 1945, 10 F.R.

771, authorized the Secretary of State to make rules and regulations governing the Foreign Service.

PART B—SPECIAL

§ 846. Services for Government agencies and establishments

The officers and employees of the Service shall, under such regulations as the President may prescribe, perform duties and functions in behalf of any Government agency or any other establishment of the Government requiring their services, including those in the legislative and judicial branches, but the absence of such regulations shall not preclude officers and employees of the Service from acting for and on behalf of any such Government agency or establishment whenever it shall, through the Department, request their services.

(Aug. 13, 1946, ch. 957, title III, § 311, 60 Stat. 1002.)

EX. ORD. NO. 10249. REGULATIONS WITH RESPECT TO REPORTING FUNCTIONS

Ex. Ord. No. 10249, June 4, 1951, 16 F.R. 5309, provided:

SECTION 1. As used in this order, the words "foreign data" shall mean any data obtained or to be obtained in foreign countries, including reports, statistics, and publications.

SEC. 2. Subject to the provisions of this order, the Department of State shall obtain for any Federal department or agency, through the Foreign Service of the United States, such foreign data as such department or agency may request through the Department of State.

SEC. 3. The Secretary of State is authorized and directed to prepare and maintain, for use in carrying out the purposes of this order, (a) a comprehensive statement of the types of foreign data appropriate to be obtained through the Foreign Service which would be of substantial use to the United States, with due attention in the preparation of this statement to the relative importance of the several types of data, and (b) standards which shall govern the determination by the Department of State to transmit or not to transmit to the Foreign Service, for action, any request for foreign data, and which shall also govern the assignment of priorities by the Department of State to the several requests transmitted by it to the Foreign Service for action. In connection with the preparation of the said statement and standards and any revision thereof, the Department of State shall afford interested Federal departments and agencies opportunity for consultation and shall accord their advice appropriate consideration.

SEC. 4. The Department of State may assign priorities to requests for foreign data, which priorities shall govern the Foreign Service in connection with the furnishing of the requested data; and it may take such measures as may be necessary or appropriate to keep the work falling upon the Foreign Service by reason of the furnishing of data to Federal departments and agencies within the resources of the Foreign Service available for such work. In carrying out the provisions of this section, the Department of State shall, to the extent practicable, be guided by the determinations of any other department or agency requesting foreign data as to the relative priorities of any two or more requests made by such department or agency.

SUBCHAPTER IV—PERSONNEL CATEGORIES AND SALARIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 5 section 5301.

PART A—CATEGORIES OF PERSONNEL

§ 861. Division of personnel

The personnel of the Service shall consist of the following categories of officers and employees:

(1) Chiefs of mission, who shall be appointed or assigned in accordance with the provisions of section 901 of this title;

(2) Foreign Service officers, who shall be appointed in accordance with section 906 of this title, including those serving as chiefs of mission;

(3) Foreign Service Reserve officers, who shall be assigned to the Service on a temporary basis from Government agencies or appointed on a temporary basis from outside the Government in accordance with the provisions of section 922 of this title, in order to make available to the Service such specialized skills as may from time to time be required;

(4) Foreign Service staff officers and employees, who shall be appointed in accordance with the provisions of section 936 of this title and who shall include all personnel who are citizens of the United States, not comprehended under paragraphs (1), (2), (3), and (6) of this section, and who shall occupy positions with technical, administrative, fiscal, clerical, or custodial responsibilities;

(5) Alien clerks and employees, who shall be appointed in accordance with the provisions of section 946 of this title; and

(6) Consular agents, who shall be appointed in accordance with the provisions of section 951 of this title.

(Aug. 13, 1946, ch. 957, title IV, § 401, 60 Stat. 1002.)

APPOINTMENT IN COMPETITIVE SERVICE

Appointment in competitive service of present or former Foreign Service officers or employees, see Ex. Ord. No. 11219, May 6, 1965, 30 F.R. 6381, set out as a note under section 3301 of Title 5, Government Organization and Employees.

PART B—SALARIES

§ 866. Chiefs of missions

The President shall for salary purposes classify into four classes the positions which are to be occupied by chiefs of mission. The per annum salaries of chiefs of mission within each class shall be at the rate provided by law for the levels of the Federal Executive Salary Schedule as follows: class 1, the rate for level II; class 2, the rate for level III; class 3, the rate for level IV; and class 4, the rate for level V.

(Aug. 13, 1946, ch. 957, title IV, § 411, 60 Stat. 1002; July 28, 1956, ch. 770, § 2, 70 Stat. 704; Aug. 14, 1964, Pub. L. 88-426, title III, § 306(b), 78 Stat. 428.)

REFERENCES IN TEXT

The Federal Executive Salary Schedule, referred to in the text, is now covered by section 5311 et seq. of Title 5, Government Organization and Employees.

AMENDMENTS

1964—Pub. L. 88-426 substituted "shall be at the rate provided by law for the levels of the Federal Executive Salary Schedule as follows: class 1, the rate for

level II; class 2, the rate for level III; class 3, the rate for level IV; and class 4, the rate for level V" for "shall be as follows: class 1, $27,500 per annum; class 2, $25,000; class 3, $22,500; and class 4, $20,000".

1956—Act July 28, 1956, increased salary rates for classes 1—4 respectively, by substituting "$27,500" for "$25,000", "$25,000" for "$20,000", "$22,500" for "$17,500", and "$20,000" for "$15,000".

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

CONTINUATION OF RULES AND REGULATIONS

Section 18 of act July 28, 1956, provided that: "Notwithstanding the provisions of this Act [classified sections 866, 867, 867 note, 869(a), 911, 912, 1004(b), 1005, 1007(a), 1076(a), (b), 1111, 1132, 1139(a) to (d), 1151, 1156, 1157(a), (b), and 1158 of this title], existing rules, regulations of or applicable to the Foreign Service of the United States shall remain in effect until revoked or rescinded or until modified or superseded by regulations made in accordance with the provisions of this Act, unless clearly inconsistent with the provisions of this Act."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 287, 2021 of this title; title 5 section 6301.

§ 867. Officers

There shall be ten classes of Foreign Service officers, including the classes of career ambassador and of career minister. The per annum salary of a career ambassador shall be at the rate provided by law for level IV of the Federal Executive Salary Schedule. The per annum salary of a career minister shall be at the rate provided by law for level V of such schedule. The per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

	1	2	3	4	5	6	7
SO-1	*$51,226	*$52,934	*$54,410				
2	39,341	*40,652	*41,963	*$43,274	*$44,585	*$45,896	*$47,207
3	30,674	31,696	32,718	33,740	34,762	35,784	36,806
4	24,308	25,118	25,928	26,738	27,548	28,358	29,168
5	19,601	20,254	20,907	21,560	22,213	22,866	23,519
6	16,096	16,633	17,170	17,707	18,244	18,781	19,318
7	13,478	13,927	14,376	14,825	15,274	15,723	16,172
8	11,523	11,907	12,291	12,675	13,059	13,443	13,827

*Basic pay is limited by Section 5308 of Title 5 of the United States Code to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, $39,600.

(Aug. 13, 1946, ch. 957, title IV, § 412, 60 Stat. 1003; July 6, 1949, ch. 300, § 1(a), 63 Stat. 407; Aug. 5, 1955, ch. 576, § 4, 69 Stat. 537; July 28, 1956, ch. 770, § 3, 70 Stat. 704; June 20, 1958, Pub. L. 85-462, § 6(a)(1), (2), 72 Stat. 211; July 1, 1960, Pub. L. 86-568, title I, § 113(a), (b), 74 Stat. 299; Oct. 11, 1962, Pub. L. 87-793, § 902, 76 Stat. 861; Aug. 14, 1964, Pub. L. 88-426, title I, § 119, 78 Stat. 411; Oct. 29, 1965, Pub. L. 89-301, § 8(a), 79 Stat. 1118; July 18, 1966, Pub. L. 89-504, title I, § 106(a), 80 Stat. 292; Dec. 16, 1967, Pub. L. 90-206, title II, § 209(a), 81 Stat. 632; Ex. Ord. No. 11413, June 11, 1968, 33 F.R. 8641; Ex. Ord. No. 11474, June 16, 1969, 34 F.R. 9605; Ex. Ord. No. 11524, Apr. 15, 1970, 35 F.R. 6547; Ex. Ord. No. 11576, Jan. 8, 1971, 36 F.R. 347; Ex. Ord. No. 11637, Dec. 22, 1971, 36 F.R. 24911; Ex. Ord. No. 11691, Dec. 15, 1972, 37 F.R. 27607; Ex. Ord. No. 11739, Oct. 3, 1973, 38 F.R. 27581; Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 3602; Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091; Ex. Ord. No. 11941, Oct. 1, 1976, 41 F.R. 43889.)

REFERENCES IN TEXT

Level IV and V of the Federal Executive Salary Schedule, referred to in text, are covered by sections 5315 and 5316, respectively, of Title 5, Government Organization and Employees.

AMENDMENTS

1976—The compensation in each step of each Service Officer class was increased effective Oct. 1, 1976 by Ex. Ord. No. 11941. Text of Ex. Ord. No. 11941 is set out as a note under section 5332 of Title 5, Government Organization and Employees.

1975—The compensation in each step of each Service Officer class was increased effective Oct. 1, 1975 by Ex. Ord. No. 11883.

1974—The compensation in each step of each Service Officer class was increased effective Oct. 1, 1974 by Ex. Ord. No. 11811.

1973—The compensation in each step of each Service Officer class was increased effective Oct. 1, 1973 by Ex. Ord. No. 11739.

1972—The compensation in each step of each Service Officer class was increased effective Jan. 1, 1973 by Ex. Ord. No. 11691.

1971—The compensation in each step of each Service Officer class was increased effective Jan. 1, 1971 by Ex. Ord. No. 11576.

The compensation in each step of each Service Officer class was increased effective Jan. 1, 1972 by Ex. Ord. No. 11637.

1970—The compensation in each step of each class was increased the first day of the first pay period beginning on or after December 27, 1969, by Ex. Ord. No. 11524, Apr. 15, 1970, 35 F.R. 6247.

1969—The compensation in each step of each class was increased effective July 1, 1969, by Ex. Ord. No. 11474.

1968—The compensation in each step of each class was increased effective July 1, 1968, by Ex. Ord. No. 11413.

1967—Pub. L. 90-206 increased the compensation in each step of each class below career ambassador and career minister.

1966—Pub. L. 89-504 increased the compensation in each step of each class below career ambassador and career minister.

1965—Pub. L. 89-301 amended the salary schedule of Foreign Service Officers within each of the eight classes below career ambassador and career minister to authorize increases of 3.6 percent in each step.

1964—Pub. L. 88-426 substituted "shall be at the rate provided by law for level IV of the Federal Executive Salary Schedule" for "shall be $20,000" and "shall be at the rate provided by level V of such schedule" for "shall be $19,800," and amended the salary sched-

ule of Foreign Service officers within each of the other classes to authorize increases in each step and to provide an additional step in Class 1.

1962—Pub. L. 87-793 authorized successive increases for officers within classes 1 to 8, one effective on the first day of the first pay period which begins on or after Oct. 11, 1962, and the other effective on the first day of the first pay period which begins on or after Jan. 1, 1964.

1960—Pub. L. 86-568 increased the salary of the career ministers from $19,250 to $19,800 per annum, and increased the salaries in the schedule for officers in Class 1 to 8 by an average of 7.5 percent.

1958—Pub. L. 85-462 increased the salary of a career minister from $17,500 to $19,250 per annum, and the salaries in the schedule for officers in Class 1 to 8 by 10 percent.

1956—Act July 28, 1956, increased from 8 to 10 classes of Foreign Service officers, increased salary rates generally, and established 7 salary steps for each class, except class 8, in lieu of former schedule which varied from 5 to 7 steps for each class.

1955—Act Aug. 5, 1955, in the first sentence, increased from seven to eight the classes of Foreign Service officers and added "career ambassador" and inserted a second sentence providing that the salary of career ambassador shall be the same as that of an Assistant Secretary.

1949—Act July 6, 1949, increased all basic pay rates which did not exceed $10,000 by $330 per annum.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-206 effective as of the beginning of the first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90-206, set out as an Effective Date of 1967 Amendment note under section 5332 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-504 effective on the first day of the first pay period which begins on or after July 1, 1966, see section 109(2) of Pub. L. 89-504.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-301 effective on the first day of the first pay period which begins on or after October 1, 1965, see section 17, of Pub. L. 89-301.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

EFFECTIVE DATE OF 1962 AMENDMENT

Section 906 of Pub. L. 87-793 provided that: "Except as otherwise expressly provided in this title, this title [amending sections 867, 870, and 1017 of this title, and enacting provisions set out as notes under this section] shall become effective on the first day of the first pay period which begins on or after the date of enactment of this Act [Oct. 11, 1962]."

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-568 effective on the first day of the first pay period which begins on or after July 1, 1960, see section 122 of Pub. L. 86-568.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-462 effective as of the first day of the first pay period which began on or after Jan. 1, 1958.

EFFECTIVE DATE OF 1949 AMENDMENT

The basic compensation increases made by the amendment of this section by section 1(a) of Act July 6, 1949 became effective as of the first day of the first pay period which began after June 30, 1948.

ADJUSTMENT OF PAY RATES EFFECTIVE OCTOBER 1, 1972

Prevention of reductions in pay for any officer or employee of United States by reason of effective date of 1972 Federal pay comparability adjustments, see Pub. L. 93-549, Dec. 26, 1974, 88 Stat. 1743, set out as a note under section 5332 of Title 5, Government Organization and Employees.

1970 INCREASE IN PAY RATES

Increase of 6 percent in the Foreign Service schedule contained in this section, as such rates had been increased by Ex. Ord. No. 11474, but with such increase not to constitute an equivalent increase in pay within section 3552 of title 39 or section 5335 of title 5, and with such increase to become effective on the first day of the first pay period which begins on or after Dec. 27, 1969, see Pub. L. 91-231, Apr. 15, 1970, 84 Stat. 195, set out as a note under section 5332 of Title 5, Government Organization and Employees.

INITIAL ADJUSTMENT OF 1960 PAY INCREASES

Section 113(d) of Pub. L. 86-568 provided that: "Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section [for effective date, see section 122 of Pub. L. 86-568] at one of the step rates provided by section 412 or section 415 of the Foreign Service Act of 1946 [section 867 or section 870 of this title] shall receive basic compensation on or after the effective date of this section at the corresponding step rate as provided by such section 412 or 415 as amended by this section."

INITIAL ADJUSTMENT OF 1958 PAY INCREASES

Section 6(b) of Pub. L. 85-462 provided that: "Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section [see note under this section] at one of the step rates provided by sections 412 or 415 of the Foreign Service Act of 1946 [section 867 or 870 of this title], shall receive basic compensation on or after the effective date of this section at the corresponding step rate as provided by such sections 412 or 415 as amended by this section."

ADDITIONAL COMPENSATION FOR PERIODS PRIOR TO JULY 6, 1949

Section 1(b) of act July 6, 1949, provided that: "No additional compensation shall be payable by reason of the enactment of this section [amending sections 867 and 870 of this title] for any period prior to the date of enactment of this Act [July 6, 1949] in the case of any person who is not a Foreign Service officer, a Foreign Service Reserve officer, or a Foreign Service staff officer or employee on such date."

OVERTIME, NIGHT, AND HOLIDAY COMPENSATION INCREASE FOR WORK PRIOR TO JULY 6, 1949

Section 1(c) of act July 6, 1949, provided that: "No person whose compensation is increased by this section [amending sections 867 and 870 of this title] shall be entitled to any overtime pay, or compensation for night and holiday work, as provided in sections 201, 301, and 302 of the Federal Employees Pay Act of 1945, as amended [now covered by sections 5542, 5545, and 5546 of Title 5, Government Organization and Employees], based on the additional compensation provided by this section for any pay period ending prior to the date of enactment of this Act [July 6, 1949]."

ADDITIONAL INCREASES IN COMPENSATION OF PERSONNEL

Act June 28, 1955, ch. 189, § 7, 69 Stat. 178, provided that: "Each of the rates of basic compensation provided by sections 412 and 415 of the Foreign Service

Act of 1946, as amended [section 867 and section 870 of this title], is hereby increased by 7.5 per centum. Each such rate as so increased which is not a multiple of $5 shall be rounded to the next higher $5 per annum."

Act Oct. 24, 1951, ch. 554, § 5(a), 65 Stat. 615, provided that: "The rates of basic compensation provided by sections 412 and 415 of the Foreign Service Act of 1946, as amended [section 867 and section 870 of this title], are hereby increased by 10 per centum, except that in no case shall any such rate be increased by less than $300 per annum, or by more than $800 per annum."

For effective date of compensation increases made by said acts Oct. 24, 1951 and June 28, 1955, and persons entitled thereunder to retroactive compensation, see section 13 of act June 28, 1955 and section 6(a) of act Oct. 24, 1951.

CONVERSION OF COMPENSATION FOR 1967 INCREASES

Section 209(c) of Pub. L. 90-206 provided that: "Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section [see Effective Date of 1967 Amendment note under section 5332 of Title 5, Government Organization and Employees] at one of the rates provided by section 412 or 415 of the Foreign Service Act of 1946 [section 867 or section 870 of this title] shall receive basic compensation, on and after such effective date, at the rate of their class determined to be appropriate by the Secretary of State."

Section 209(c) of Pub. L. 90-206 effective as of the beginning of the first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90-206, set out as a note under section 5332 of Title 5, Government Organization and Employees.

CONVERSION OF COMPENSATION FOR 1966 INCREASES

Section 106(c) of Pub. L. 89-504 provided that: "Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section [see note below] at one of the rates provided by section 412 or 415 of the Foreign Service Act of 1946 [section 867 or section 870 of this title] shall receive basic compensation, on and after such effective date, at the rate of their class determined to be appropriate by the Secretary of State."

Provision effective on the first day of the first pay period which begins on or after July 1, 1966.

CONVERSION OF COMPENSATION FOR 1965 INCREASES

Section 8(c) of Pub. L. 89-301 provided that: "Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section [for effective date, see section 17 of Pub. L. 89-301] at one of the rates provided by section 412 or 415 of the Foreign Service Act of 1946 [section 867 or section 870 of this title] shall receive basic compensation, on and after such effective date, at the rate of their class determined to be appropriate by the Secretary of State."

CONVERSION OF COMPENSATION FOR 1964 INCREASES

Section 121 of Pub. L. 88-426 provided that: "Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section [for effective date, see section 501 of Pub. L. 88-426] at one of the rates provided by section 412 or 415 of the Foreign Service Act of 1946 [section 867 or section 870 of this title], shall receive basic compensation, on and after such effective date, at the rate of their class determination to be appropriate by the Secretary of State."

CONVERSION OF COMPENSATION FOR 1962 INCREASES; ASSIGNMENT OF STAFF OFFICERS AND EMPLOYEES TO NEW CLASSES

Section 904 of Pub. L. 87-793 provided that:

"Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this title [see Effective Date of 1962 Amendment note under this section] at one of the rates provided by section 412 or 415 of the Foreign Service Act of 1946 [section 867 or section 870 of this title] shall receive basic compensation on and after the effective date of this title at the rate of their class determined to be appropriate by the Secretary of State: *Provided*, That staff officers and employees shall be transferred to the new staff classes established by this Act as follows:

"Present class under section 415 of the Foreign Service Act of 1946 [section 870 of this title]	Corresponding new class under section 415 of the Foreign Service Act of 1946, as amended [section 870 of this title]
FSS-1	FSS- 1
FSS-2	FSS- 1
FSS-3	FSS- 2
FSS-4	FSS- 2
FSS-5	FSS- 3
FSS-6	FSS- 3
FSS-7	FSS- 4
FSS-8	FSS- 5
FSS-9	FSS- 6
FSS-10	FSS- 7
FSS-11	FSS- 8
FSS-12	FSS- 9
FSS-13	FSS-10
FSS-14 and below	(1)

"(1) Remain at present class and salary rate until revised pursuant to new section 415(b)."

CONVERSION FROM EXISTING CLASSES AND ASSIGNMENT TO NEW CLASSES

Act July 28, 1956, ch. 770, § 16, 70 Stat. 707, which provided for initial reclassification of Foreign Service Officers, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 658.

EXECUTIVE ORDER NO. 11413

Ex. Ord. No. 11413, June 11, 1968, 33 F.R. 8641, formerly set out in part under this section, which provided for the adjustment of pay rates effective July 1, 1968, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 11474

Ex. Ord. No. 11474, June 16, 1969, 34 F.R. 9605, formerly set out in part under this section, which provided for the adjustment of pay rates effective July 1, 1969, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 11524

Ex. Ord. No. 11524, Apr. 15, 1970, 35 F.R. 6247, formerly set out in part under this section, which provided for the adjustment of pay rates effective first pay period on or after Dec. 27, 1969, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 11576

Ex. Ord. No. 11576, Jan. 8, 1971, 36 F.R. 347, formerly set out in part under this section, which provided for the adjustment of pay rates effective Jan. 1, 1971,

was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11637

Ex. Ord. 11637, Dec. 22, 1971, 36 F.R. 24911, formerly set out in part under this section, which provided for the adjustment of pay rates effective Jan. 1, 1972, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11691

Ex. Ord. No. 11691, Dec. 15, 1972, 37 F.R. 27607, formerly set out in part under this section, which provided for the adjustment of pay rates effective Jan. 1, 1973, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11739

Ex. Ord. No. 11739, Oct. 3, 1973, 38 F.R. 27581, formerly set out in part under this section, which provided for the adjustment of pay rates effective Oct. 1, 1973, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11811

Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 3602, formerly set out as a note under this section, which provided for the adjustment of pay rates effective Oct. 1, 1974, was superseded by Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11883

Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, formerly set out as a note under this section, which provided for the adjustment of pay rates effective Oct. 1, 1975, was superseded by Ex. Ord. No. 11941, Oct. 1, 1976, 41 F.R. 43889, set out as a note under section 5332 of Title 5, Government Organization and Employees.

CROSS REFERENCES

Federal Executive Salary Schedule, see section 5311 et seq. of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 287, 287n, 290a, 882, 886, 1112, 1226, 2021 of this title; title 5 section 5303.

§ 868. Appointive salary

A person appointed as a Foreign Service officer shall receive basic salary at one of the rates of the class to which he is appointed which the Secretary shall, taking into consideration his age, qualifications, and experience, determine to be appropriate for him to receive.

(Aug. 13, 1946, ch. 957, title IV, § 413, 60 Stat. 1003; Aug. 31, 1954, ch. 1177, 68 Stat. 1051; Apr. 5, 1955, ch. 23, § 2, 69 Stat. 24.)

AMENDMENTS

1955—Act Apr. 5, 1955, permitted appointment of Foreign Service officers to classes 1 through 5 at salary steps above the minimum for each class by eliminating requirement that appointments to classes 1 through 5 be made at the minimum rate of the class.

1954—Act Aug. 31, 1954, allowed certain persons to be appointed to the Service at a rate in excess of the minimum rate.

CONTINUANCE OF EXISTING RULES AND REGULATIONS

Section 14 of act Apr. 5, 1955, provided that: "Notwithstanding the provisions of this Act [See Short Title of 1955 Amendments set out under section 801 of this title], existing rules, regulations of or applicable to the Foreign Service of the United States shall remain in effect until revoked or rescinded or until modified or superseded by regulations made in accordance with the provisions of this Act, unless clearly inconsistent with the provisions of this Act."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1226 of this title.

§ 869. Reserve officers

(a) Classes

There shall be eight classes of Foreign Service Reserve officers, referred to in this chapter as Reserve officers, which classes shall correspond to classes 1 to 8 of Foreign Service officers.

(b) Rate of salary

A reserve officer shall receive salary at any one of the rates provided for the class to which he is appointed or assigned in accordance with the provisions of section 923 of this title.

(c) Source of salary

A person assigned as a Reserve officer from any Government agency shall receive his salary from appropriations provided for the Department during the period of his service as a Reserve officer.

(Aug. 13, 1946, ch. 957, title IV, § 414, 60 Stat. 1003; July 28, 1956, ch. 770, § 4, 70 Stat. 704.)

AMENDMENTS

1956—Subsec. (a). Act July 28, 1956, substituted the word "eight" for the word "six" and the number "8" for the number "6".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 886 of this title.

§ 870. Staff officers and employees; employees recruited abroad performing duties of routine nature

(a) There shall be ten classes of Foreign Service staff officers and employees, referred to hereafter as staff officers and employees. The per annum salaries of such staff officers and employees within each class shall be as follows:

	1	2	3	4	5	6	7	8	9	10
SS-1	$30,674	$31,696	$32,718	$33,740	$34,762	$35,784	$36,806	$37,828	$38,850	*$39,872
2	24,308	25,118	25,928	26,738	27,548	28,358	29,168	29,978	30,788	31,598
3	19,601	20,254	20,907	21,560	22,213	22,866	23,519	24,172	24,825	25,478

	1	2	3	4	5	6	7	8	9	10
4	16,096	16,633	17,170	17,707	18,244	18,781	19,318	19,855	20,392	20,929
5	14,402	14,882	15,362	15,842	16,322	16,802	17,282	17,762	18,242	18,722
6	12,893	13,323	13,753	14,183	14,613	15,043	15,473	15,903	16,333	16,763
7	11,547	11,932	12,317	12,702	13,087	13,472	13,857	14,242	14,627	15,012
8	10,346	10,691	11,036	11,381	11,726	12,071	12,416	12,761	13,106	13,451
9	9,273	9,582	9,891	10,200	10,509	10,818	11,127	11,436	11,745	12,054
10	8,316	8,593*	8,870	9,147	9,424	9,701	9,978	10,255	10,532	10,809

*Basic pay is limited by Section 5308 of Title 5 of the United States Code to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, $39,600.

(b) Notwithstanding the provisions of subsection (a) of this section, the Secretary may, under such regulations as he may prescribe, classify positions at levels below class 10, and establish salary rates therefor at lower rates than those prescribed by this section, for American employees recruited abroad who are not available or are not qualified for transfer to another post and who perform duties of a more routine nature than are generally performed at the Class 10 level.

(Aug. 13, 1946, ch. 957, title IV, § 415, 60 Stat. 1003; July 6, 1949, ch. 300, § 1(a), 63 Stat. 407; June 20, 1958, Pub. L. 85-462, § 6(a)(3), 72 Stat. 212; July 1, 1960, Pub. L. 86-568, title I, § 113(c), 74 Stat. 300; Oct. 11, 1962, Pub. L. 87-793, § 903, 76 Stat. 862; Aug. 14, 1964, Pub. L. 88-426, title I, § 120, 78 Stat. 411; Oct. 29, 1965, Pub. L. 89-301, § 8(b), 79 Stat. 1118; July 18, 1966, Pub. L. 89-504, title I, § 106(b), 80 Stat. 292; Dec. 16, 1967, Pub. L. 90-206, title II, § 209(b), 81 Stat. 632; Ex. Ord. No. 11413, June 11, 1968, 33 F.R. 8641; Ex. Ord. No. 11474, June 16, 1969, 34 F.R. 9605; Ex. Ord. No. 11524, Apr. 15, 1970, 35 F.R. 6247; Ex. Ord. No. 11576, Jan. 8, 1971, 36 F.R. 347; Ex. Ord. No. 11637, Dec. 22, 1971, 36 F.R. 24911; Ex. Ord. No. 11691, Dec. 15, 1972, 37 F.R. 27607; Ex. Ord. No. 11739, Oct. 3, 1973, 38 F.R. 27581; Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 3602; Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091; Ex. Ord. No. 11941, Oct. 1, 1976, 41 F.R. 43889.)

AMENDMENTS

1976—The compensation in each step of each Service Officer class was increased effective Oct. 1, 1976 by Ex. Ord. No. 11941.

1975—The compensation in each step of each Service Officer class was increased effective Oct. 1, 1975 by Ex. Ord. No. 11883.

1974—The compensation in each step of each Service Officer class was increased effective Oct. 1, 1974 by Ex. Ord. No. 11811.

1973—The compensation in each step of each Service Officer class was increased effective Oct. 1, 1973 by Ex. Ord. No. 11739.

1972—The compensation in each step of each Service Officer class was increased effective Jan. 1, 1973 by Ex. Ord. No. 11691.

1971—The compensation in each step of each Service Officer class was increased effective Jan. 1, 1971 by Ex. Ord. No. 11576.

The compensation in each step of each Service Officer class was increased effective Jan. 1, 1972 by Ex. Ord. No. 11637.

1970—The compensation in each step of each class was increased effective the first day of the first pay period beginning on or after December 27, 1969, by Ex. Ord. No. 11524.

1969—The compensation in each step of each class was increased effective July 1, 1969, by Ex. Ord. No. 11474.

1968—The compensation in each step of each class was increased effective July 1, 1968, by Ex. Ord. No. 11413, June 11, 1968, 33 F.R. 8641.

1967—Subsec. (a). Pub. L. 90-206, § 209(b), increased the compensation in each step of each class.

1966—Subsec. (a). Pub. L. 89-504 increased the compensation in each step of each class.

1965—Subsec. (a). Pub. L. 89-301 amended the salary schedule by authorizing an increase of 3.6 percent in each step of each of the 10 classes.

1964—Subsec. (a). Pub. L. 88-426 authorized increases in each step of each class and provided for an additional step for classes 1 through 4.

1962—Pub. L. 87-793 amended section generally, and among other changes, designated "existing provisions as subsec. (a), reduced the number of classes of staff officers and employees from 22 to 10, authorized successive increases in per annum rates, one effective on the first day of the first pay period which begins on or after Oct. 11, 1962, and the other effective on the first day of the first pay period which begins on or after Jan. 1, 1964, and added subsec. (b).

1960—Pub. L. 86-568 increased salary rates by an average of 7.5 percent.

1958—Pub. L. 85-462 increased salary rates by an average of 10 percent.

1949—Act July 6, 1949, increased all basic pay rates by $330 per annum.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-206 effective as of the beginning of the first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90-206, set out as an Effective Date of 1967 Amendment note under section 5332 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-504 effective on the first day of the first pay period which begins on or after July 1, 1966, see section 109(2) of Pub. L. 89-504.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-301 effective on the first day of the first pay period which begins on or after October 1, 1965, see section 17 of Pub. L. 89-301.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-793 effective on the first day of the first pay period which begins on or after Oct. 11, 1962, see section 906 of Pub. L. 87-793, set out as an Effective Date of 1962 Amendment note under section 867 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-568 effective on the first day of the first pay period which begins on or after July 1, 1960, see section 122 of Pub. L. 86-568.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-462 effective as of the first day of the first pay period which began on or after Jan. 1, 1958.

EFFECTIVE DATE OF 1949 AMENDMENT

The basic compensation increases made by the amendment of this section by section 1(a) of Act July 6, 1949, became effective as of the first day of the first pay period which began after June 30, 1948.

ADJUSTMENT OF PAY RATES EFFECTIVE OCTOBER 1, 1972

Prevention of reductions in pay for any officer or employee of United States by reason of effective date of 1972 Federal pay comparability adjustments, see Pub. L. 93-549, set out as a note under section 5332 of Title 5, Government Organization and Employees.

1970 INCREASE IN PAY RATES

Increase of 6 percent in the Foreign Service schedule contained in this section, as such rates had been increased by Ex. Ord. No. 11474, but with such increase not to constitute an equivalent increase in pay within section 3552 of title 39 or section 5335 of title 5, and with such increase to become effective on the first day of the first pay period which begins on or after Dec. 27, 1969, see Pub. L. 91-231, Apr. 15, 1970, 84 Stat. 195, set out as a note under section 5332 of Title 5, Government Organization and Employees.

CONVERSION OF COMPENSATION FOR 1967 INCREASE

For provisions prescribing manner of conversion of compensation, see section 209(c) of Pub. L. 90-206, set out as a note under section 867 of this title.

CONVERSION OF COMPENSATION FOR 1966 INCREASE

For provisions prescribing manner of conversion of compensation, see section 106(c) of Pub. L. 89-504, set out as a note under section 867 of this title.

CONVERSION OF COMPENSATION FOR 1965 INCREASE

For provisions prescribing manner of conversion of compensation, see section 8(c) of Pub. L. 89-301, set out as a note under section 867 of this title.

CONVERSION OF COMPENSATION FOR 1964 INCREASE

For provisions prescribing manner of conversion of compensation, see section 121 of Pub. L. 88-426, set out as a note under section 867 of this title.

CONVERSION OF COMPENSATION FOR 1962 INCREASE; ASSIGNMENT OF STAFF OFFICERS AND EMPLOYEES TO NEW CLASSES

For provisions prescribing manner of conversion of compensation and assignment to new classes, see section 904 of Pub. L. 87-793, set out as a note under section 867 of this title.

INITIAL ADJUSTMENT OF 1958 AND 1960 PAY INCREASES

For provisions prescribing manner of payment of compensation, see notes under section 867 of this title.

ADDITIONAL COMPENSATION FOR PERIODS PRIOR TO JULY 6, 1949

Section 1(b) of act July 6, 1949, provided that: "No additional compensation shall be payable by reason of the enactment of this section [amending sections 867 and 870 of this title] for any period prior to the date of enactment of this Act [July 6, 1949] in the case of any person who is not a Foreign Service officer, a Foreign Service Reserve officer, or a Foreign Service staff officer or employee on such date."

OVERTIME, NIGHT, AND HOLIDAY COMPENSATION INCREASE FOR WORK PRIOR TO JULY 6, 1949

Section 1(c) of act July 6, 1949, provided that: "No person whose compensation is increased by this section [amending sections 867 and 870 of this title] shall be entitled to any overtime pay, or compensation for night and holiday work, as provided in sections 201, 301, and 302 of the Federal Employees Pay Act of 1945, as amended [now covered by sections 5542, 5545, and 5546 of Title 5, Government Organization and Employees], based on the additional compensation provided by this section for any pay period ending prior to the date of enactment of this Act [July 6, 1949]."

ADDITIONAL INCREASE IN COMPENSATION OF PERSONNEL

Additional increase in compensation of Foreign Service staff officers and employees, see notes under section 867 of this title.

EXECUTIVE ORDER No. 11413

Ex. Ord. No. 11413, June 11, 1968, 33 F.R. 8641, formerly set out in part under this section, which provided for the adjustment of pay rates effective July 1, 1968, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11474

Ex. Ord. No. 11474, June 16, 1969, 34 F.R. 9605, formerly set out in part under this section, which provided for the adjustment of pay rates effective July 1, 1969, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11524

Ex. Ord. No. 11524, Apr. 15, 1970, 35 F.R. 6247, formerly set out in part under this section, which provided for the adjustment of pay rates effective first pay period on or after Dec. 27, 1969, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11576

Ex. Ord. No. 11576, Jan. 8, 1971, 36 F.R. 347, formerly set out in part under this section, which provided for the adjustment of pay rates effective Jan. 1, 1971, was superseded by Ex. Ord. no. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11637

Ex. Ord. No. 11637, Dec. 22, 1971, 36 F.R. 24911, formerly set out in part under this section, which provided for the adjustment of pay rates effective Jan. 1, 1972, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11691

Ex. Ord. No. 11691, Dec. 15, 1972, 37 F.R. 27607, formerly set out in part under this section, which provided for the adjustment of pay rates effective Jan. 1, 1973, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11739

Ex. Ord. No. 11739, Oct. 3, 1973, 38 F.R. 27581, formerly set out in part under this section, which provided for the adjustment of pay rates effective Oct. 1, 1973, was superseded by Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11811

Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 3602, formerly set out as a note under this section, which provided for the adjustment of pay rates effective Oct. 1, 1974, was superseded by Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11883

Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, formerly set out as a note under this section, which pro-

vided for the adjustment of pay rates effective Oct. 1, 1975, was superseded by Ex. Ord. No. 11941, Oct. 1, 1976, 41 F.R. 43889, set out as a note under section 5332 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 886, 1112 of this title; title 5 section 5303.

§ 871. Appointive salary

(a) A person appointed as a staff officer or employee shall receive basic salary at one of the rates of the class to which he is appointed which the Secretary shall, taking in to account his qualifications and experience and the needs of the Service, determine to be appropriate for him to receive.

(b) Whenever the Secretary determines that the needs of the Service warrant the appointment of staff officers or employees in a particular occupational group uniformly at a rate above the minimum rate of the applicable class, he may adjust the basic salary of any staff officer or employee in the same class and occupational group who is receiving less than such established rate.

(Aug. 13, 1946, ch. 957, title IV, § 416, 60 Stat. 1004; Sept. 8, 1960, Pub. L. 86-723, § 2, 74 Stat. 831.)

AMENDMENTS

1960—Subsec. (a). Pub. L. 86-723 designated existing provisions as subsec. (a) and substituted therein "basic salary at one of the rates of the class to which he is appointed which the Secretary shall, taking into account his qualifications and experience and the needs of the Service, determine to be appropriate for him to receive" for "salary at the minimum rate provided for the class to which appointed except as otherwise provided in accordance with the provisions of sections 886-890 of this title and section 681(d)(vi) of Title 5."

Subsec. (b). Pub. L. 86-723 added subsec. (b).

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

§ 872. Alien clerks and employees

The salary or compensation of an alien clerk or employee shall be fixed by the Secretary in accordance with such regulations as he shall prescribe and, as soon as practicable, in accordance with the provisions of section 889 of this title. The salary or compensation of an alien clerk or employee fixed on a per annum basis may, notwithstanding the provisions of any other law, be payable on a weekly or biweekly basis. When a one- or two-week pay period of such a clerk or employee begins in one fiscal year and ends in another, the gross amount of the earnings for such pay period may be regarded as a charge against the appropriation or allotment current at the end of such pay period.

(Aug. 13, 1946, ch. 957, title IV, § 417, 60 Stat. 1004; Sept. 8, 1960, Pub. L. 86-723, § 3, 74 Stat. 731.)

AMENDMENTS

1960—Pub. L. 86-723 substituted "section 889 of this title" for "section 889(b) of this title".

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

§ 873. Consular agents

The salary or compensation of a consular agent shall be fixed by the Secretary in accordance with such regulations as he shall prescribe and, as soon as practicable, in accordance with the provisions of section 890 of this title.

(Aug. 13, 1946, ch. 957, title IV, § 418, 60 Stat. 1004.)

PART C—SALARIES OF OFFICERS TEMPORARILY IN CHARGE

§ 876. Chargés d'affaires ad interim

For such time as any Foreign Service officer shall be authorized to act as chargé d'affaires ad interim at the post to which he is assigned, he shall receive, in addition to his basic salary as Foreign Service officer, compensation equal to that portion of the difference between such salary and the basic salary provided for the chief of mission as the Secretary may determine to be appropriate.

(Aug. 13, 1946, ch. 957, title IV, § 421, 60 Stat. 1004.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1226 of this title.

§ 877. Officers in charge of consulate general or consulates

For such time as any Foreign Service officer or any consul or vice consul who is not a Foreign Service officer is temporarily in charge of a consulate general or consulate during the absence or incapacity of the principal officer, he shall receive, in addition to his basic salary as Foreign Service officer or consul or vice consul, compensation equal to that portion which the Secretary shall determine to be appropriate of the difference between such salary and the basic salary provided for the principal officer, or, if there be none, of the former principal officer.

(Aug. 13, 1946, ch. 957, title IV, § 422, 60 Stat. 1004.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1226 of this title.

PART D—TIME OF RECEIVING SALARY

§ 881. Chiefs of missions

(a) Eligibility period

Under such regulations as the Secretary may prescribe, a chief of mission may be entitled to receive salary from the effective date of his appointment to the date marking his return to his place of residence at the conclusion of the period of his official service as chief of mission

or upon termination of his service in accordance with the provisions of subsection (b) of this section, but no chief of mission shall be entitled to receive salary while absent from his post whenever the Secretary shall find that such absence was without authorization or justification. If a chief of mission in one position is appointed as chief of mission in another position, he shall be entitled to receive the salary pertaining to the new position commencing on the effective date of the new appointment.

(b) Termination of appointment

The official services of a chief of mission shall not be deemed terminated by the appointment of a successor but shall continue until he has relinquished charge of the mission and for such additional period as may be determined by the Secretary, but in no case shall such additional period exceed fifty days, including time spent in transit. During such period the Secretary may require him to render such services as he may deem necessary in the interests of the Government.

(c) Salary

During the service of a Foreign Service officer as chief of mission he shall receive, in addition to his salary as Foreign Service Officer, compensation equal to the difference, if any, between such salary and the salary of the position to which he is appointed or assigned.

(Aug. 13, 1946, ch. 957, title IV, § 431, 60 Stat. 1004; Sept. 8, 1960, Pub. L. 86-723, § 4, 74 Stat. 831.)

AMENDMENTS

1960—Subsec. (a). Pub. L. 86-723 substituted "upon termination of his service in accordance with the provisions of subsection (b) of this section" for "the termination of time spent on authorized leave, whichever shall be later".

Subsec. (b). Pub. L. 86-723 extended the additional period of service of a chief of mission after he has relinquished charge of the mission from not more than 30 days, exclusive of time spent in transit, to not more than 50 days, including time spent in transit.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment of section by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as a note under section 809 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1226 of this title.

§ 882. Officers and employees

(a) Eligibility period

Under such regulations as the Secretary may prescribe, any officer or employee appointed to the Service may be entitled to receive salary from the effective date of his appointment to the date when he shall have returned to his place of residence at the conclusion of the period of his official service, or the termination of time spent on authorized leave, whichever shall be later, but no such officer or employee shall be entitled to receive salary while absent from his post whenever the Secretary shall find that such absence was without authorization or justification.

(b) Appointment during Senate recess

A Foreign Service officer, appointed during a recess of the Senate, shall be paid salary from the effective date of his appointment until the end of the next session of the Senate, if he has not theretofore been confirmed by the Senate, or until his rejection by the Senate before the end of its next session.

(c) Salary upon promotion; failure of Senate to confirm promotion

A Foreign Service officer promoted to a higher class shall receive salary at the rate prescribed in section 867 of this title for the class to which he is promoted from the effective date of his appointment to such class. A Foreign Service officer promoted to a higher class during a recess of the Senate shall receive salary at the rate prescribed for the class to which he is promoted from the effective date of his appointment to such class until the end of the next session. If the Senate should reject or fail to confirm the promotion of such an officer during the session following the date of his promotion, the Foreign Service officer shall, unless he has become liable to separation in accordance with the provisions of section 1003 of this title, be automatically reinstated in the class from which he was promoted and receive the salary he was receiving prior to his promotion, such reinstatement to be effective, in the event of rejection of the nomination, from the date of rejection; and in the event of the failure of the Senate to act on the nomination during the session following a promotion, from the termination of that session.

(Aug. 13, 1946, ch. 957, title IV, § 432, 60 Stat. 1005; Apr. 5, 1955, ch. 23, § 13(1), 69 Stat. 27.)

AMENDMENTS

1955—Subsec. (c). Act Apr. 5, 1955, struck out the phrase "or 1004" following the phrase "section 1003" in the third sentence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1226 of this title.

PART E—CLASSIFICATION OF POSITIONS

§ 886. Classification by Secretary of positions in the Service and in the Department

(a) Under such regulations as he may prescribe, and in order to facilitate effective management, the Secretary shall classify all positions in the Service at posts abroad, excluding positions to be occupied by chiefs of mission, and in the case of those occupied by Foreign Service officers, Reserve officers, and staff officers and employees, he shall establish such positions in relation to the classes established by sections 867, 869, and 870 of this title, respectively. Positions occupied by alien employees and consular agents, respectively, shall be allocated to such classes as the Secretary may establish by regulation.

(b) Under such regulations as he may prescribe, the Secretary may, notwithstanding the provisions of chapter 51 and subchapter III of chapter 53 of title 5, classify positions in or under the Department which he designates as Foreign Service Officer positions to be occupied by officers and employees of the Service, and

establish such positions in relation to the classes established by sections 867, 869, and 870 of this title.

(Aug. 13, 1946, ch. 957, title IV, § 441, 60 Stat. 1005; Sept. 8, 1960, Pub. L. 86-723, § 5, 74 Stat. 831.)

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949, as amended", in subsec. (b), on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1960—Subsec. (a). Pub. L. 86-723 designated existing provisions as subsec. (a), limited authority of Secretary to classify positions to positions in the Service at posts abroad, excluded positions occupied by chiefs of missions, and required the Secretary to establish positions occupied by Foreign Service officers, Reserve officers, and staff officers and employees in relation to classes established by sections 867, 869, and 870 of this title.

Subsec. (b). Pub. L. 86-723 added subsec. (b).

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

RULES GOVERNING SALARY DETERMINATIONS FOR INITIAL CLASSIFICATION

Section 1105 of act Aug. 13, 1946, provided that:

"In making the initial classification of the Service for Foreign Service staff officers and employees in accordance with the provisions of sections 441 and 442 [section 886 and section 887 of this title], the following rules shall apply:

"(1) The principle of equal compensation for equal work, irrespective of sex, shall be followed.

"(2) If an officer or employee is receiving basic salary at less than the minimum rate of the class or subclass to which the position he holds is allocated, his salary shall be increased to the lowest basic salary of that class or subclass.

"(3) If an officer or employee is receiving a basic salary within the range provided for the class or subclass to which the position he holds is allocated, and at one of the rates within that range, no change shall be made in his basic salary; if his basic salary rate is within the range but does not correspond to any one of the rates prescribed for that range by section 415 [section 870 of this title], his salary shall be adjusted by fixing it at the next higher rate above the rate which he is receiving.

"(4) If an officer or employee is receiving basic salary at a rate in excess of the maximum basic salary rate provided by section 415 [section 870 of this title], for the class or subclass to which the position he holds is allocated in accordance with the provisions of section 1103 [set out as a note under section 936 of this title], he shall not suffer a diminution in salary as a consequence of the classification of the position which he holds so long as he continues to occupy that position, but if he is not receiving salary at one of the rates prescribed in section 415 [section 870 of this title], his salary shall be adjusted by fixing it at the next higher rate above the rate which he is receiving."

CROSS REFERENCES

Foreign Service staff officers and employees, section as applicable to appointments of, see section 936 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 890, 1226 of this title.

§ 887. Repealed. Pub. L. 86-723, § 52(1), Sept. 8, 1960, 74 Stat. 847

Section, act Aug. 13, 1946, ch. 957, title IV, § 442, 60 Stat. 1006, provided for establishment of new group of positions, known as subclasses, for officers and employees.

EFFECTIVE DATE OF REPEAL

Repeal of section by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

§ 888. Repealed. Pub. L. 86-707, title V, § 511(a)(1), Sept. 6, 1960, 74 Stat. 800

Section, acts Aug. 13, 1946, ch. 957, title IV, § 443, 60 Stat. 1006; Apr. 5, 1955, ch. 23, § 3, 69 Stat. 24, related to salary differentials for Foreign Service officers, Reserve officers, and staff officers, and is now covered by section 5921 et seq. of Title 5, Government Organization and Employees.

§ 889. Compensation plans and annuity increases for alien employees

(a)(1) The Secretary shall, in accordance with such regulations as he may prescribe, establish compensation plans for alien employees of the Service: *Provided*, That such compensation plans shall be based upon prevailing wage rates and compensation practices for corresponding types of positions in the locality, to the extent consistent with the public interest.

(2) The Secretary may, under such regulations as he may prescribe, make supplemental payments, out of funds appropriated after July 12, 1976, for salaries and expenses, to any civil service annuitant who is a former alien employee of the Service (or is a survivor of a former alien employee of the Service) in order to offset exchange rate losses, if the annuity being paid such annuitant is based on (A) a salary that was fixed in a foreign currency that has appreciated in value in terms of the United States dollar, and (B) service in a country in which (as determined by the Secretary) the average retirement benefits being received by those who have retired from competitive local organizations are superior to the local currency value of civil service annuities plus any other retirement benefits payable to alien employees who have retired during similar time periods and after comparable careers with the United States Government.

(b) For the purpose of performing functions abroad, other Government agencies are authorized to administer alien employee programs in accordance with the applicable provisions of this chapter.

(Aug. 13, 1946, ch. 957, title IV, § 444, 60 Stat. 1006; Sept. 8, 1960, Pub. L. 86-723, § 6, 74 Stat. 831; July 12, 1976, Pub. L. 94-350, title I, § 112, 90 Stat. 826.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-350 designated existing provisions as par. (1) and added par. (2).

1960—Pub. L. 86-723 substituted provisions requiring the Secretary to establish compensation plans for

alien employees and enpowering other Government agencies to administer alien employee programs in accordance with the applicable provisions of this chapter for provisions which required the Secretary to prepare schedules of salaries for classes of positions of alien clerks and employees and which required alien employees to receive equal pay in areas of comparatively uniform wage scales and standards of living.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

CROSS REFERENCES

Appointment of alien clerks and employees in accordance with provisions of this section, see section 946 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 872, 946 of this title.

§ 890. Consular agents

Upon the basis of the classification provided for in section 886 of this title, the Secretary shall, with the advice of the Board of the Foreign Service, from time to time prepare schedules of salaries for classes of positions of consular agents, which classes shall be established by regulation, and shall allocate all such positions to the appropriate classes.

(Aug. 13, 1946, ch. 957, title IV, § 445, 60 Stat. 1006.)

ESTABLISHMENT OF THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS OF THE FOREIGN SERVICE

Both the Board of the Foreign Service and the Board of Examiners for the Foreign Service were established and functions delegated to them by Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, set out under section 826 of this title. The prior Board of the Foreign Service and Board of Examiners for the Foreign Service were both abolished and their functions, together with the functions of their chairman and other officers, were transferred to the President of the United States by sections 1(c), (d), and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Appointment of consular agents in accordance with provisions of this section, see section 951 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 873, 951 of this title.

SUBCHAPTER V—APPOINTMENTS AND ASSIGNMENTS

PART A—PRINCIPAL DIPLOMATIC REPRESENTATIVES

§ 900. Congressional declaration of policy on qualifications for assignment of chiefs of mission and Foreign Service officers

It is the policy of the Congress that chiefs of mission and Foreign Service officers appointed or assigned to serve the United States in foreign countries shall have, to the maximum practicable extent, among their qualifications, a useful knowledge of the principal language or dialect of the country in which they are to serve, and knowledge and understanding of the history, the culture, the economic and political institutions, and the interests of such country and its people.

(Aug. 13, 1946, ch. 957, title V, § 500, as added Sept. 8, 1960, Pub. L. 86-723, § 7, 74 Stat. 832.)

EFFECTIVE DATE

Section effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as a note under section 809 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1226 of this title.

§ 901. Appointment and assignment by President

(a) Ambassadors and ministers

The President shall, by and with the advice and consent of the Senate, appoint ambassadors and ministers, including career ambassadors and career ministers.

(b) Minister resident, chargé d'affaires, commissioner or diplomatic agent

The President may, in his discretion, assign any Foreign Service officer to serve as minister resident, chargé d'affaires, commissioner, or diplomatic agent for such period as the public interest may require.

(c) Advice and consent of Senate; recess appointments; special missions exception

On and after July 13, 1972, no person shall be designated as ambassador or minister, or be designated to serve in any position with the title of ambassador or minister, unless that person is appointed as an ambassador or minister in accordance with subsection (a) of this section or clause 3, section 2, of article II of the Constitution, relating to recess appointments, except that the personal rank of ambassador or minister may be conferred by the President in connection with special missions for the President of an essentially limited and temporary nature of not exceeding six months.

(Aug. 13, 1946, ch. 957, title V, § 501, 60 Stat. 1007; Aug. 5, 1955, ch. 576, § 5, 69 Stat. 537; July 13, 1972, Pub. L. 92-352, title I, § 107, 86 Stat. 492.)

AMENDMENTS

1972—Subsec. (c). Pub. L. 92-352 added subsec. (c).
1955—Subsec. (a). Act Aug. 5, 1955, added phrase "career ambassadors and" following "including".

AMBASSADOR OR MINISTER UNABLE TO SERVE BECAUSE OF EMERGENT CONDITIONS ABROAD

Act July 5, 1946, ch. 541, title I, § 101, 60 Stat. 448, provided that: "Any ambassador or minister who, prior to appointment as ambassador or minister was legally appointed and served as a diplomatic or consular officer or as a Foreign Service officer, and who, on account of emergent conditions abroad, is unable properly to serve the United States at his regular post of duty, or, when in the public interest it becomes necessary to terminate his appointment as ambassador or minister at such post, may be appointed or assigned to serve in any capacity in which a Foreign Service officer is authorized by law to serve, and, notwithstanding the provisions of any other law, funds available for the payment of salaries of ambassadors and ministers

shall be available also for the payment of the salary of such officer: *Provided further,* That no ambassador or minister, while serving under such emergency appointment or assignment, shall receive compensation in excess of $9,800 per annum while serving in the continental United States or in excess of $10,000 per annum while serving elsewhere."

Similar provisions were carried in the following prior acts:

May 21, 1945, ch. 129, title I, 59 Stat. 171.
June 28, 1944, ch. 294, title I, § 1, 58 Stat. 397.
July 1, 1943, ch. 182, title I, § 1, 57 Stat. 273.
July 2, 1942, ch. 472, title I, 56 Stat. 470.
Apr. 1, 1941, ch. 32, title I, § 1, 55 Stat. 71.

Executive Order No. 10062

Ex. Ord. No. 10062, June 6, 1949, 14 F.R. 2695, as amended by act Aug. 10, 1949, ch. 412, § 12(a), 63 Stat. 591; Ex. Ord. No. 10144, July 21, 1950, 15 F.R. 4705, eff. June 6, 1949, which established the position of United States High Commissioner for Germany, was revoked by Ex. Ord. No. 10608, May 5, 1955, 20 F.R. 3093, set out as a note below.

Ex. Ord. No. 10608. United States Authority and Functions in Germany

Ex. Ord. No. 10608, May 5, 1955, 20 F.R. 3093, provided:

By virtue of the authority vested in me by the Constitution and the statutes, including the Foreign Service Act of 1946 (60 Stat. 999), as amended [this chapter], and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

1. Executive Order No. 10062 of June 6, 1949, and Executive Order No. 10144 of July 21, 1950, amending that order, are hereby revoked, and the position of United States High Commissioner for Germany, established by that order, is hereby abolished.

2. The Chief of the United States Diplomatic Mission to the Federal Republic of Germany, hereinafter referred to as the Chief of Mission, shall have supreme authority, except as otherwise provided herein, with respect to all responsibilities, duties, and governmental functions of the United States in all Germany. The Chief of Mission shall exercise his authority under the supervision of the Secretary of State and subject to ultimate direction by the President.

3. The United States Military Commander having area responsibility in Germany, hereinafter referred to as the Commander, shall have authority with respect to all military responsibilities, duties, and functions of the United States in all Germany, including the command, security, and stationing of United States forces in Germany, the assertion and exercise of their rights and discharge of their obligations therein, and emergency measures which he may consider essential for their protection or the accomplishment of his mission. The Commander may delegate the authority conferred upon him. If action by the Commander or any representative of the Commander, pursuant to the authority herein conferred, affects the foreign policy of the United States or involves relations or negotiations with non-military German authorities, such action shall be taken only after consultation with and agreement by the Chief of Mission or pursuant to procedures previously agreed to between the Chief of Mission and the Commander or his representative. Either the Chief of Mission or the Commander may raise with the other any question which he believes requires such consultation. If agreement is not reached between them, any differences may be referred to the Department of State and the Department of Defense for resolution.

4. The Chief of Mission and the Commander or his designated representatives shall, to the fullest extent consistent with their respective missions, render assistance and support to each other in carrying out the agreements and policies of the United States.

5. With regard to the custody, care, and execution of sentences and disposition (including pardon, clemency, parole, or release) of war criminals confined or hereafter to be confined in Germany as a result of conviction by military tribunals (A) the Chief of Mission shall share the four-power responsibility in the case of persons convicted by the International Military Tribunal, (B) the Chief of Mission shall exercise responsibility in the case of persons convicted by military tribunals established by the United States Military Governor pursuant to Control Council Law No. 10, and (C) the Commander shall exercise responsibility in the case of persons convicted by other military tribunals established by United States Military Commanders in Germany and elsewhere. The Commanders shall, on request of the Chief of Mission, take necessary measures for carrying into execution any sentences adjudged against such persons in category (B) as to whom the Chief of Mission has responsibility and control. Transfer of custody of persons in categories (B) and (C) to the Federal Republic of Germany as provided in the Convention on the Settlement of Matters Arising Out of the War and Occupation shall terminate the responsibility of the Chief of Mission and the Commander with respect to such persons to the extent that the responsibility of the United States for them is thereupon terminated pursuant to the provisions of the said Convention.

6. If major differences arise over matters affecting the United States Forces in Germany, such differences may be referred to the Department of State and the Department of Defense for resolution.

7. This order shall become effective on the date that the Convention on Relations between the Three Powers and the Federal Republic of Germany and related Conventions, as amended, come into force.

Ex. Ord. No. 11970. Presidential Advisory Board on Ambassadorial Appointments

Ex. Ord. No. 11970, Feb. 5, 1977, 42 F.R. 7919, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), it is hereby ordered as follows:

Section 1. (a) There is hereby established the Presidential Advisory Board on Ambassadorial Appointments, hereinafter referred to as the Board, which shall be composed of members appointed by the President.

(b) The President shall designate a Chairman from among the members of the Board.

(c) The Secretary of State shall designate an Executive Secretary.

Sec. 2. (a) The Board shall, whenever requested, make confidential recommendations to the Secretary of State and the President as to the qualifications of individuals for an ambassadorial post for which noncareer individuals are being considered, and such other advice as the President shall request.

(b) In considering the qualifications of a prospective nominee, the Board shall consider such background information on the requirements of particular ambassadorial posts, evaluation criteria, and information regarding the prospective nominee which may be furnished by the Department of State; and the Board shall consider such other information as it deems appropriate in order to render an informed judgment concerning a prospective nominee's qualifications and suitability.

Sec. 3. Upon request by the President or the Secretary of State, the Board shall consider which ambassadorial posts should be filled by career people and which should be filled by noncareer people, and shall make its recommendations in confidence regarding same to them.

Sec. 4. Board members may not be appointed to an ambassadorial post during their service on the Board nor for at least one year thereafter. The President may waive this provision in specific cases and will in such cases state his reasons for doing so.

SEC. 5. Members of the Board who are not officers or employees of the Federal Government shall receive no compensation from the Government of the United States for their service as members of the Board, but may, to the extent permitted by law, be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5702 and 5703) for persons employed intermittently in the government service.

SEC. 6. The Secretary of State shall, to the extent permitted by law, provide administrative and staff services, support, and facilities for the Board.

SEC. 7. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (5 U.S.C. App. I),[1] except that of reporting annually to the Congress, which are applicable to the Board, shall be performed by the Secretary of State in accordance with guidelines and procedures established by the Office of Management and Budget.

SEC. 8. The Board shall terminate on December 31, 1978, unless extended prior to that date.

JIMMY CARTER.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 861, 1226 of this title.

§ 901a. Campaign contribution report by nominees for ambassador or minister

From and after October 18, 1973, each person appointed by the President as ambassador or minister shall, at the time of his nomination, file with the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report of contributions made by such person and by members of his immediate family during the period beginning on the first day of the fourth calendar year preceding the calendar year of his nomination and ending on the date of his nomination, which report shall be verified by the oath or affirmation of such person, taken before any officer authorized to administer oaths. The Chairman of the Committee on Foreign Relations of the Senate shall have printed in the Congressional Record each such report. As used in this section, the term "contribution" has the same meaning given such term by section 431(e) of title 2, and the term "immediate family" means a person's spouse, and any child, parent, grandparent, brother, or sister of such person and the spouses of any of them.

(Pub. L. 93–126, § 6, Oct. 18, 1973, 87 Stat. 452; Pub. L. 93–475, § 4(a), Oct. 26, 1974, 88 Stat. 1440.)

CODIFICATION

Section was enacted as part of the Department of State Appropriations Authorization Act of 1973 and not as part of the Foreign Service Act of 1946 which comprises this chapter.

AMENDMENTS

1974—Pub. L. 93–475 added provision that the Chairman of the Committee on Foreign Relations of the Senate shall have the reports printed in the Congressional Record.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 4(b) of Pub. L. 93–475 provided that: "The amendment made by subsection (a) of this section [amending this section] shall only apply with respect to reports filed on and after the date of enactment of this Act [Oct. 26, 1974]."

[1] So in original. The appendix in Title 5, Government Organization and Employees, is not numbered.

SHORT TITLE OF 1974 AMENDMENT

Section 1 of Pub. L. 93–475 provided: "That this Act [enacting sections 966, 2679a, 2680a, and 2686 of this title, amending this section and sections 1439, 1476, and 2680 of this title, and section 5924 of Title 5, Government Organization and Employees, enacting provisions set out as notes under this section and sections 966, 2151, and 2679a of this title and amending provisions set out as notes preceding section 1 of Appendix to Title 50, War and National Defense] may be cited as the 'State Department/USIA Authorization Act, Fiscal Year 1975'."

SHORT TITLE

Section 1 of Pub. L. 93–126 provided: "That this Act [enacting this section and sections 287e–1, 2655a, and 2685 of this title and amending sections 214 note, 276, 277d–28, 277d–29, 277d–31, 993, 1754, and 2823 of this title, section 194a of Title 2, The Congress, and section 5924 of Title 5, Government Organization and Employees] may be cited as the 'Department of State Appropriations Authorization Act of 1973'."

§ 902. Lists of officers qualified to be career ambassadors, career ministers, or chiefs of missions furnished President

(a) The Secretary shall, on the basis of recommendations made by the Board of the Foreign Service, from time to time furnish the President with the names of Foreign Service officers qualified for appointment to the class of career ambassador and the class of career minister together with pertinent information about such officers, but no person shall be appointed into the class of career minister who has not been appointed to serve as a chief of mission or appointed or assigned to serve in a position which, in the opinion of the Secretary, is of comparable importance. A list of such positions shall from time to time be published by the Secretary. No person shall be appointed into the class of career ambassador who has not (1) served for at least fifteen years in a position of responsibility in a Government agency, or agencies, including at least three years as a career minister; (2) rendered exceptionally distinguished service to the Government; and (3) met such other requirements as the Secretary shall prescribe.

(b) The Secretary shall also, on the basis of recommendations made by the Board of the Foreign Service, from time to time furnish the President with the names of Foreign Service officers qualified for appointment or assignment as chief of mission, together with pertinent information about such officers, in order to assist the President in selecting qualified candidates for appointment or assignment in such capacity.

(Aug. 13, 1946, ch. 957, title V, § 502, 60 Stat. 1007; Aug. 5, 1955, ch. 576, § 6, 69 Stat. 537.)

AMENDMENTS

1955—Subsec. (a). Act Aug. 5, 1955, inserted "class of career ambassador and" following "qualified for appointment to the", and added last sentence fixing appointment requirements of class of career ambassador.

ESTABLISHMENT OF THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS OF THE FOREIGN SERVICE

Both the Board of the Foreign Service and the Board of Examiners for the Foreign Service were established and functions delegated to them by Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, set out under sec-

tion 826 of this title. The prior Board of the Foreign Service and Board of Examiners for the Foreign Service were both abolished and their functions, together with the functions of their chairman and other officers, were transferred to the President of the United States by sections 1(c), (d), and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1226 of this title.

PART B—FOREIGN SERVICE OFFICERS

§ 906. Appointment by President to a class

The President shall appoint Foreign Service officers by and with the advice and consent of the Senate. All appointments of Foreign Service officers shall be by appointment to a class and not to a particular post.

(Aug. 13, 1946, ch. 957, title V, § 511, 60 Stat. 1007.)

APPOINTMENT OF ADDITIONAL FOREIGN SERVICE OFFICERS; TERMINATION DATE

Act July 3, 1946, ch. 539, §§ 1 to 4, 60 Stat. 426, which provided for the appointment of 250 additional Foreign Service officers within 2 years after July 3, 1946, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 653.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 861, 1226 of this title.

§ 907. Commissions

Foreign Service officers may be commissioned as diplomatic or consular officers or both and all official acts of such officers while serving under diplomatic or consular commissions shall be performed under their respective commissions as diplomatic or consular officers.

(Aug. 13, 1946, ch. 957, title V, § 512, 60 Stat. 1007.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1231 of this title.

§ 908. Limits of consular districts

The Secretary shall define the limits of consular districts.

(Aug. 13, 1946, ch. 957, title V, § 513, 60 Stat. 1007.)

§ 909. Assignment and transfers

A Foreign Service officer, commissioned as a diplomatic or consular officer, may be assigned by the Secretary to serve in any diplomatic position other than that of chief of mission or in any consular position, and he may also be assigned to serve in any other capacity in which he is eligible to serve under the terms of this chapter or any other Act. He may be transferred from one post to another by order of the Secretary as the interests of the Service may require.

(Aug. 13, 1946, ch. 957, title V, § 514, 60 Stat. 1008.)

TEMPORARY ASSIGNMENT OF AMERICAN CITIZENS IN FOREIGN SERVICE TO DEPARTMENT OF STATE DURING NATIONAL EMERGENCY

Act July 5, 1946, ch. 541, title I, § 101, 60 Stat. 452, provided that: "American citizens holding positions in the Foreign Service of the United States and who on account of emergency conditions abroad are unable properly to serve the United States at their regular posts of duty may be assigned to the Department of State to perform temporary services in that Department or to be detailed for temporary services of comparable importance, difficulty, responsibility, and value in any other department or agency of the United States, in cases where there is found to be a need of services for the performance of which such persons have the requisite qualifications. The salaries of such persons shall, notwithstanding the provisions of any other law, continue to be paid during the periods of such assignments from the appropriations under the caption 'Foreign Service' in the Department of State Appropriation Act."

Similar provisions were contained in the following prior acts:

May 21, 1945, ch. 129, title I, 59 Stat. 175.
June 28, 1944, ch. 294, title I, § 1, 58 Stat. 401.
July 1, 1943, ch. 182, title I, § 1, 57 Stat. 277.
July 2, 1942, ch. 472, title I, 56 Stat. 474.
June 28, 1941, ch. 258, title I, 55 Stat. 270.

CROSS REFERENCES

Chief of mission, retirement of Foreign Service officer after termination of services as, see section 914 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 914, 1226, 1231 of this title.

§ 910. Citizenship requirements

No person shall be eligible for appointment as a Foreign Service officer unless he is a citizen of the United States and has been such for at least ten years.

(Aug. 13, 1946, ch. 957, title V, § 515, 60 Stat. 1008.)

CROSS REFERENCES

Foreign Service staff officers and employees, citizenship requirements of, see section 939 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1226 of this title.

§ 911. Admission to class 7 or 8

(a) No person shall be eligible for appointment as a Foreign Service officer of class 8 unless he has passed such written, oral, physical, and other examinations as the Board of Examiners for the Foreign Service may prescribe to determine his fitness and aptitude for the work of the Service and has demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution. The Secretary shall furnish the President with the names of those persons who have passed such examinations and are eligible for appointment as Foreign Service officers of class 8.

(b) The Secretary may furnish the President with the names of those persons who have passed such examinations and are eligible for appointment as Foreign Service officers of class 8, whom he recommends for appointment directly to class 7 when in his opinion, their age,

experience, or other qualifications make such an appointment appropriate.

(Aug. 13, 1946, ch. 957, title V, § 516, 60 Stat. 1008; July 28, 1956, ch. 770, § 5, 70 Stat. 704; Sept. 8, 1960, Pub. L. 86-723, § 8, 74 Stat. 832.)

AMENDMENTS

1960—Pub. L. 86-723 included class 7 in the section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

1956—Act July 28, 1956, substituted "class 8" for "class 6" wherever appearing.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

ESTABLISHMENT OF THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS OF THE FOREIGN SERVICE

Both the Board of the Foreign Service and the Board of Examiners for the Foreign Service were established and functions delegated to them by Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, set out under section 826 of this title. The prior Board of the Foreign Service and Board of Examiners for the Foreign Service were both abolished and their functions, together with the functions of their chairman and other officers, were transferred to the President of the United States by sections 1(c), (d), and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 827, 912, 1005, 1037a, 1226 of this title.

§ 912. Admission to classes 1 to 7

A person who has not been appointed as a Foreign Service officer in accordance with section 911 of this title shall not be eligible for appointment as a Foreign Service officer of classes 1 to 7, inclusive, unless he has passed comprehensive mental and physical examinations prescribed by the Board of Examiners for the Foreign Service to determine his fitness and aptitude for the work of the Service; demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution; and rendered at least four years of actual service prior to appointment in a position of responsibility in the service of a Government agency, or agencies, except that, if he has reached the age of thirty-one years, the requirement as to service may be reduced to three years. The Secretary shall furnish the President with the names of those persons who shall have passed such examinations and are eligible for appointment as Foreign Service officers of classes 1 to 7, inclusive. The Secretary shall, taking into consideration the age, qualifications, and experience of each candidate for appointment, recommend the class to which he shall be appointed in accordance with the provisions of this section.

(Aug. 13, 1946, ch. 957, title V, § 517, 60 Stat. 1008; Apr. 5, 1955, ch. 23, § 4, 69 Stat. 25; July 28, 1956, ch. 770, § 6, 70 Stat. 704; Sept. 8, 1960, Pub. L. 86-723, § 9, 74 Stat. 832.)

AMENDMENTS

1960—Pub. L. 86-723 substituted the introductory words "A person who has not been appointed as a Foreign Service officer in accordance with section 911 of this title" for "A person who has not served in class 8" and eliminated the provisons limiting, after April 5, 1955, lateral entry appointments to 1,250, making eligible for lateral entry 175 individuals who have had responsible positions in other governmental agencies and were not employed by the Department on March 1, 1955, rather than restricting the appointments to officers of the Department and Staff personnel and exempting from limitation on number of appointments persons appointed by the Secretary of State as Foreign Service Reserve officer who served in such capacity for the required period prior to appointment.

1956—Act July 28, 1956, substituted "8" for "6" and "7" for "5" wherever they appeared, substituted "one hundred and seventy-five" for "forty", inserted before the period at the end of the second sentence the words "as a Foreign Service officer" and added after the second sentence, sentence exempting from limitation on number of appointments persons appointed by the Secretary of State as Foreign Service Reserve officer who served in such capacity for the required period prior to appointment.

1955—Act Apr. 5, 1955, amended section by (1) clarifying the nature of the examinations that must be passed by applicants for lateral entry, (2) eliminating the requirement that the qualifying period of service for lateral entry be performed "immediately" prior to appointment, (3) opening eligibility for lateral entry to not more than 40 individuals who have had responsible positions in other governmental agencies, rather than restricting it to officers of the Department and Staff Corps, (4) limiting lateral entry appointments to 1,250.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

TRANSFER OF OFFICERS FROM OLD TO NEW CLASSES

Section 1102 of act Aug. 13, 1946, provided that:

"(a) Foreign Service officers on active service on the effective date of this Act [this chapter] shall, by virtue of this Act [this chapter], be transferred from the classes in which they are serving on such date to the new classes established by this Act [this chapter] as follows: Officers of class I to the new class 1; officers of class II to the new class 2; officers of classes III and IV to the new class 3; officers of classes V and VI, to the new class 4; officers of classes VII and VIII, to the new class 5; officers in the unclassified grade, to the new class 6.

"(b) Each officer so transferred shall under such regulations as the Secretary may prescribe receive that salary in the new class which shall as nearly as possible correspond to his relative standing in the Service.

"(c) Whenever, in accordance with the provisions of paragraph (a) of this section, the officers in a new class shall be officers who previously served in two former classes that were combined to form the new class, the period of minimum service in class for the purposes of determining eligibility for promotion in accordance with the provisions of section 622 [section 992 of this title], shall commence to run from the date of their promotion to the lower of the two classes from which the new class is composed and from the date of their promotion to the higher of the two classes from which the new class is composed for the purposes of computing the minimum period an officer shall serve in a class before the commencement of the period during which he must obtain a promotion in order to prevent being retired. In all other cases, service in a former class shall be considered as constitut-

ing service in the new class for the purposes of section 622 [section 992 of this title]."

IN-CLASS PROMOTIONS

Section 1104 of act Aug. 13, 1946, provided that: "In making transfers of personnel in accordance with the provisions of sections 1102 and 1103 [set out as notes under this section and section 936 of this title, respectively], credit for time served in a previous class or position shall be given for the purpose of determining eligibility for in-class promotions in a new class in the same manner as if such time had been served in the new class."

ESTABLISHMENT OF THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS FOR THE FOREIGN SERVICE

Both the Board of the Foreign Service and the Board of Examiners for the Foreign Service were established and functions delegated to them by Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, set out under section 826 of this title. The prior Board of the Foreign Service and Board of Examiners for the Foreign Service were both abolished and their functions, together with the functions of their chairman and other officers, were transferred to the President of the United States by sections 1(c), (d), and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 827, 1037a, 1226 of this title.

§ 913. Admission to class of career ambassador or career minister

No person shall be eligible for appointment to the class of career ambassador or career minister who is not a Foreign Service officer.

(Aug. 13, 1946, ch. 957, title V, § 518, 60 Stat. 1008; Aug. 5, 1955, ch. 576, § 7, 69 Stat. 537.)

AMENDMENTS

1955—Act Aug. 5, 1955, inserted "career ambassador or" following "to the class of".

REINSTATEMENT OF CHIEFS OF MISSIONS

Section 1101 of act Aug. 13, 1946, provided that: "Any person who on the effective date [three months after Aug. 13, 1946] of this Act [this chapter] is a chief of mission and who has previously been a Foreign Service officer may be reinstated as a Foreign Service officer in the class of career minister."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1226 of this title.

§ 914. Reassignment to Foreign Service of former ambassadors and ministers

If, within three months of the date of the termination of his services as chief of mission and of any period of authorized leave, a Foreign Service officer has not again been appointed or assigned as chief of mission or assigned in accordance with the provisions of section 909 of this title, he shall be retired from the Service and receive retirement benefits in accordance with the provisions of section 1076 of this title.

(Aug. 13, 1946, ch. 957, title V, § 519, 60 Stat. 1008.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1226 of this title.

§ 915. Reappointment or recall of Foreign Service officers or employees

(a) The President may, by and with the advice and consent of the Senate, reappoint to the Service a former Foreign Service officer who has been separated from the Service. The Secretary shall, taking into consideration the qualifications and experience of each candidate for reappointment and the rank of his contemporaries in the Service, recommend the class to which he shall be reappointed in accordance with the provisions of this section.

(b) Whenever the Secretary determines it to be in the public interest, any retired officer or employee of the Service may be recalled for active duty on a temporary or limited basis to any appropriate class in his or her former category, except that a retired Foreign Service officer may not be recalled to a class higher than he or she held at the time of retirement unless appointed to the higher class by the President by and with the advice and consent of the Senate.

(Aug. 13, 1946, ch. 957, title V, § 520, 60 Stat. 1009; Sept. 8, 1960, Pub. L. 86-723, § 10, 74 Stat. 832; Sept. 6, 1966, Pub. L. 89-554, § 8(a), 80 Stat. 661; July 12, 1976, Pub. L. 94-350, title V, § 517, 90 Stat. 845.)

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-350 extended provision for recall to retired Foreign Service employees and provided for recall on a limited basis to any appropriate class in his or her former category, except that a retired Foreign Service officer may not be recalled to a class higher than he or she held at the time of retirement unless appointed to the higher class by the President by and with the advice and consent of the Senate.

1966—Subsec. (c). Pub. L. 89-554 repealed subsec. (c) which related to reemployment of Foreign Service officers.

1960—Pub. L. 86-723, § 10(a), substituted "Reappointment, recall, or reemployment" for "Reinstatement and recall" in the catchline.

Subsec. (a). Pub. L. 86-723, § 10(b), deleted "by reason of appointment to some other position in the Government service and who has served continuously in the Government up to the time of reinstatement" preceding "The Secretary".

Subsec. (b). Pub. L. 86-723, § 10(c) provided for recall to temporary duty on basis of public interest rather than determination of existence of an emergency.

Subsec. (c). Pub. L. 86-723, § 10(d), added subsec. (c).

EFFECTIVE DATE OF 1976 AMENDMENT

Section 524(a) of Pub. L. 94-350 provided that: "Unless otherwise specified [see subsecs. (b) to (o) of Pub. L. 94-350, set out as notes under sections 1001, 1063, 1064, 1076, 1076a, 1086, 1091, and 1121 of this title], this title [which enacted sections 1063(a)(4), 1064(1) to (6), 1065, 1071(c) to (f), 1076(g) to (i), 1076a, 1082(f), (g), 1091(c) to (f), and 1121(f) of this title, redesignated as section 1064(7) to (9) former section 1064(b)(4) to (6) of this title, amended sections 915(b), 1001, 1002, 1004(b)(2), 1007(b), 1063(b)(2), 1076(a), (b), (d) to (f), 1081(a), (c) to (e), 1082(a) to (d), 1084, 1086, 1091(a), 1105, 1111, 1116, and 1121(a) to (c) of this title, repealed sections 1063(c), 1083, 1092, 1094, and 1229(b) of this title, and enacted provisions set out as notes under sections 1063 and 1076 of this title] shall

be effective upon enactment [July 12, 1976] or on October 1, 1976, whichever is later."

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1082, 1111, 1226 of this title.

PART C—FOREIGN SERVICE RESERVE OFFICERS

§ 921. Establishment of Reserve

In accordance with the terms of this chapter and under such regulations as the Secretary shall prescribe, there shall be organized and maintained a Foreign Service Reserve, referred to in this chapter as the Reserve.

(Aug. 13, 1946, ch. 957, title V, § 521, 60 Stat. 1009.)

§ 922. Appointments and assignments to Reserve

Whenever the services of a person who is a citizen of the United States and who has been such for at least five years are required by the Service, the Secretary may—

(1) appoint as a Reserve officer for nonconsecutive periods of not more than five years each, a person not in the employ of the Government whom the Board of the Foreign Service shall deem to have outstanding qualifications;

(2) assign as a Reserve officer for nonconsecutive periods of not more than five years each a person regularly employed in any Government agency, subject, in the case of an employee of a Government agency other than the Department of State, to the consent of the head of the agency concerned; and

(3) extend the appointment or assignment of any Reserve officer, or continue the services of any such Reserve officer by reappointment without regard to the provisions of section 927 of this title, for not more than five additional years if the Secretary deems it to be in the public interest to continue such officer in the Service, except that the assignment of any Reserve officer under paragraph (2) above may not be extended under the provisions of this paragraph without the consent of the head of the agency concerned; except that the authority contained in this paragraph relating to extending the appointment of any Reserve officer, and to continuing the services of any such Reserve officer by reappointment, shall not be applicable to the Department of State and the United States Information Agency.

(Aug. 13, 1946, ch. 957, title V, § 522, 60 Stat. 1009; Apr. 5, 1955, ch. 23, § 5, 69 Stat. 25; July 14, 1959, Pub. L. 86-108, ch. VII, § 701(b), 73 Stat. 257; Aug. 20, 1968, Pub. L. 90-494, § 18, 82 Stat. 814.)

AMENDMENTS

1968—Par. (3). Pub. L. 90-494 provided that the authority to extend appointment and to continue services by reappointment is not applicable to Department of State and the United States Information Agency.

1959—Par. (3). Pub. L. 86-108 added paragraph (3).

1955—Par. (1). Act Apr. 5, 1955, substituted "five" for "four" and deleted "of a specialized character" following "outstanding qualifications".

Par. (2). Act Apr. 5, 1955, substituted "five" for "four".

ESTABLISHMENT OF THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS OF THE FOREIGN SERVICE

Both the Board of the Foreign Service and the Board of Examiners for the Foreign Service were established and functions delegated to them by Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, set out under section 826 of this title. The prior Board of the Foreign Service and Board of Examiners for the Foreign Service were both abolished and their functions, together with the functions of their chairman and other officers, were transferred to the President of the United States by sections 1(c), (d), and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

EX. ORD. NO. 9932. ACQUISITION OF COMPETITIVE STATUS AND REEMPLOYMENT OF CERTAIN PERSONS APPOINTED OR ASSIGNED TO THE FOREIGN SERVICE

Ex. Ord. No. 9932, Feb. 27, 1948, 13 F.R. 1099, provided:

By virtue of the authority vested in me by the Civil Service Act of January 16, 1883 (22 Stat. 403) [now covered by section 1101 et seq. of Title 5, Government Organization and Employees], section 1753 of the Revised Statutes [now covered by section 3301 et seq. of title 5], the Foreign Service Act of 1946 (60 Stat. 999) [this chapter], and as President of the United States, and in order to facilitate the interchange of personnel between the Foreign Service of the United States and other branches of the Government, it is hereby ordered as follows:

1. Any officer or employee of the Government assigned to the Foreign Service as a Foreign Service Reserve Officer in accordance with section 522(2) of the Foreign Service Act of 1946 [par (2) of this section] who was at the time of his assignment an officer or employee of the Government serving under a war service indefinite or temporary indefinite appointment and who is reached in regular order for probational appointment from a Civil Service register appropriate for filling the position in which he was serving at the time of assignment or who could, with the approval of the head of the agency in which he was serving, have been given a competitive status under Civil Service Rule III, if he had remained in his former position, shall be considered as having a competitive status as of the date he is reached for probational appointment or classification.

2. Any officer or employee of the Government who is appointed, at the request of the head of the agency in which he was serving, as a Foreign Service Staff Officer or employee for a period limited in duration to four years or less shall be entitled to the same rights with regard to acquisition of a competitive status as is provided by section 1 of this order, and any such officer or employee who has, or acquires, a competitive status shall be entitled to the same rights with regard to reinstatement in such agency as a person who is assigned to the Foreign Service as a Foreign Service Reserve Officer is entitled to receive under the terms of section 528 of the Foreign Service Act of 1946 [section 928 of this title].

3. Whenever an agency fills a position previously occupied by a Foreign Service Reserve Officer or a Foreign Service Staff Officer or employee entitled to reinstatement in such agency under the provisions of the Foreign Service Act of 1946 [this chapter] and this order, the appointment, promotion, transfer, or other personnel action shall be made on a temporary basis

pending the return of the officer or employee in question.

4. The Department of State shall, at least two months prior to the completion of the service of a Foreign Service Reserve Officer, Staff Officer, or employee entitled to reinstatement under the provisions of the Foreign Service Act of 1946 [this chapter] or of this order, notify the officer or employee and the head of the agency in which the officer or employee was serving immediately prior to his assignment to the Foreign Service of the proposed termination of assignment in the Foreign Service, and such agency shall, prior to the termination of assignment in the Foreign Service, make arrangements for the return to duty of such officer or employee.

5. A person shall be deemed to have waived his rights to reinstatement under the terms of section 528 of the Foreign Service Act of 1946 [section 928 of this title] and the terms of this order if he accepts at the termination of his period of service in the Foreign Service a position elsewhere than in the Government agency in which he has previously served or fails to avail himself of his right to reinstatement within thirty days after the end of his period of service in the Foreign Service.

6. The Civil Service Commission is authorized, after consultation with the Department of State, to prescribe such rules and regulations as may be necessary to carry out the provisions of this order: *Provided*, That any changes in such rules and regulations made subsequent to the appointment or assignment of personnel for duty with the Foreign Service shall not be effective as to such personnel without the prior concurrence of the Department of State.

7. This order shall become effective as of September 1, 1947.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 861, 929, 1233, 1928 of this title.

§ 923. Appointment and assignment to a class

A Reserve officer, appointed or assigned to active duty, shall be appointed or assigned to a class and not to a particular post, and such an officer may be assigned to posts and may be transferred from one post to another by order of the Secretary as the interests of the Service may require. The class to which he shall be appointed or assigned shall depend on his age, qualifications, and experience.

(Aug. 13, 1946, ch. 957, title V, § 523, 60 Stat. 1009.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 869 of this title.

§ 924. Commissions

Whenever the Secretary shall deem it in the interests of the Service that a Reserve officer shall serve in a diplomatic or consular capacity, he may recommend to the President that such officer be commissioned as a diplomatic or consular officer or both. The President may, by and with the advice and consent of the Senate, commission such officer as a diplomatic or consular officer or both, and all official acts of such an officer while serving under a diplomatic or consular commission shall be performed under his commission as a diplomatic or consular officer. In all other cases, appropriate rank and status, analogous to that of Foreign Service officers engaged in work of comparable importance shall be provided to permit Reserve officers to carry out their duties effectively.

(Aug. 13, 1946, ch. 957, title V, § 524, 60 Stat. 1009.)

§ 925. Repealed. Pub. L. 86–723, § 52(2), Sept. 8, 1960, 74 Stat. 847

Section, act Aug. 13, 1946, ch. 957, title V, § 525, 60 Stat. 1010, authorized the Secretary to define the active duty period of Reserve officers.

EFFECTIVE DATE OF REPEAL

Repeal of section by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

§ 926. Benefits

A Reserve officer shall, except as otherwise provided in regulations which the Secretary may prescribe, receive all the allowances, privileges, and benefits which Foreign Service officers are entitled to receive in accordance with the provisions of subchapter IX of this chapter.

(Aug. 13, 1946, ch. 957, title V, § 526, 60 Stat. 1010.)

§ 927. Reappointment or reassignment of Reserve officers

A person who has served as a Reserve officer may not be reappointed or reassigned to active duty until the expiration of a period of time equal to his preceding tour of duty or until the expiration of a year, whichever is the shorter.

(Aug. 13, 1946, ch. 957, title V, § 527, 60 Stat. 1010.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 922, 929 of this title.

§ 928. Reinstatement of Reserve officers

Upon the termination of the assignment of a Reserve officer assigned from any Government agency, such person shall be entitled to reinstatement in the Government agency by which he is regularly employed in the same position he occupied at the time of assignment, or in a corresponding or higher position. Upon reinstatement he shall receive the within-grade salary advancements he would have been entitled to receive had he remained in the position in which he is regularly employed under chapter 51 and subchapter III of chapter 53 of title 5, or any corresponding provision of law applicable to the position in which he is serving. A certificate of the Secretary that such person has met the standards required for the efficient conduct of the work of the Foreign Service shall satisfy any requirements as to the holding of minimum ratings as a prerequisite to the receipt of such salary advancements.

(Aug. 13, 1946, ch. 957, title V, § 528, 60 Stat. 1010; Sept. 8, 1960, Pub. L. 86-723, § 11, 74 Stat. 833.)

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "Classification Act of 1949" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1960—Pub. L. 86-723 substituted "the Classification Act of 1949" for "subsection (d) of section 667 of title 5."

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2385, 2454, 2506 of this title.

§ 929. Limitation on tenure; extension of appointment

(a) Any officer appointed as a Foreign Service Reserve officer after August 20, 1968, may serve as such for not more than five years. During such period (no sooner than the expiration of the third year but no later than the expiration of the fifth year) such Foreign Service Reserve officer shall be appointed as a Foreign Service officer, Foreign Service Information Officer, Foreign Service Reserve officer with unlimited tenure, Foreign Service Staff officer, or shall be terminated as a Foreign Service Reserve officer.

(b) Notwithstanding the provisions of sections 922 and 927 of this title, an appointment of any Foreign Service Reserve officer existing on August 20, 1968, may be extended, but not beyond the expiration of the five-year period beginning on such date.

(Pub. L. 90-494, § 15, Aug. 20, 1968, 82 Stat. 813.)

CODIFICATION

Section was not enacted as part of the Foreign Service Act of 1946 which comprises this chapter.

CROSS REFERENCES

Provisions of this section inapplicable to officers and employees of the Agency for International Development, the Peace Corps, and the Arms Control and Disarmament Agency, see section 932 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 932 of this title.

§ 930. Retirement and tenure

(a) In accordance with such regulations as the President may prescribe, any Foreign Service Reserve officer with unlimited tenure shall become a participant in the Foreign Service retirement and disability system and shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 1092 of this title. Beginning on August 20, 1968, any Reserve officer referred to in the preceding sentence shall be mandatorily retired for age in accordance with the provisions of subsections (c) and (d) of section 1229 of this title.

(b) The provisions of sections 1003 and 1004 of this title shall apply to Foreign Service Reserve officers with unlimited tenure.

(Pub. L. 90-494, § 16, Aug. 20, 1968, 82 Stat. 814.)

REFERENCES IN TEXT

Section 1092 of this title, referred to in text, was repealed by Pub. L. 94-350, title V, § 516, July 12, 1976, 90 Stat. 845.

CODIFICATION

Section was not enacted as part of the Foreign Service Act of 1946 which comprises this chapter.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (a) of this section delegated to the Secretary of State, see section 3 of Ex. Ord. No. 11434, Nov. 8, 1968, 33 F.R. 16485, set out as a note under section 811a of this title.

CROSS REFERENCES

Provisions of this section inapplicable to officers and employees of the Agency for International Development, the Peace Corps, and the Arms Control and Disarmament Agency, see section 932 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 932 of this title.

§ 931. Unlimited tenure

Any Foreign Service Reserve officer appointed before August 20, 1968, who has completed at least three years of continuous and satisfactory service as such on such date, or who will have completed at least three years of such service before the expiration of the three-year period beginning on such date may be appointed as a Foreign Service Reserve officer with unlimited tenure.

(Pub. L. 90-494, § 17, Aug. 20, 1968, 82 Stat. 814.)

CODIFICATION

Section was not enacted as part of the Foreign Service Act of 1946 which comprises this chapter.

CROSS REFERENCES

Provisions of this section inapplicable to officers and employees of the Agency for International Development, the Peace Corps, and the Arms Control and Disarmament Agency, see section 932 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 932 of this title.

§ 932. Limitation on scope of sections 929 to 931

The provisions of sections 929, 930, and 931 of this title shall not apply to officers and employees of the Agency for International Development, the Peace Corps, and the Arms Control and Disarmament Agency.

(Pub. L. 90-494, § 19, Aug. 20, 1968, 82 Stat. 814.)

CODIFICATION

Section was not enacted as part of the Foreign Service Act of 1946 which comprises this chapter.

PART D—FOREIGN SERVICE STAFF OFFICERS AND EMPLOYEES

§ 936. Appointments

The Secretary may, under such regulations as he may prescribe, appoint staff officers and employees on the basis of qualifications and experience. The Secretary may make provisions for temporary, limited, and such other types of appointment as he may deem necessary. He is au-

thorized to establish appropriate probationary periods during which newly appointed staff officers or employees, other than those appointed for temporary or limited services shall be required to serve. The Secretary may terminate at any time, without regard to the provisions of section 1007 of this title, or the provisions of any other law, the services of staff officers or employees appointed for temporary or limited service and staff officers or employees who have not completed probationary periods, except that if such separation is by reason of misconduct the provisions of section 1007 of this title shall be applicable.

(Aug. 13, 1946, ch. 957, title V, § 531, 60 Stat. 1010; Sept. 8, 1960, Pub. L. 86-723, § 12, 74 Stat. 833.)

AMENDMENTS

1960—Pub. L. 86-723 clarified authority of Secretary to prescribe regulations governing appointments of personnel in terms of tenure and authorized the Secretary to establish a probationary period of appropriate length and to terminate appointments of nonpermanent personnel without regard to provisions of section 1007 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

TRANSFER OF PERSONNEL FROM OLD TO NEW POSITIONS

Section 1103 of act Aug. 13, 1946, provided that: "The Secretary shall, under such regulations as he may prescribe, provide for the transfer of the personnel of the Service, other than persons occupying positions which under the terms of this Act [this chapter] constitute them chiefs of mission and Foreign Service officers, to corresponding positions established by the terms of this Act [this chapter] or by any regulations issued pursuant thereto."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 861 of this title.

§ 937. Assignments and transfers

Under such regulations as he may prescribe, the Secretary may assign a staff officer or employee to any post or he may assign him to serve in any position in which he is eligible to serve under the terms of this chapter or any other Act. A staff officer or employee may be transferred from one post to another by order of the Secretary as the interests of the Service may require.

(Aug. 13, 1946, ch. 957, title V, § 532, 60 Stat. 1010; Sept. 8, 1960, Pub. L. 86-723, § 13, 74 Stat. 833.)

AMENDMENTS

1960—Pub. L. 86-723 simplified the language regarding assignments and transfers and eliminated the provision for promotion to a vacant position in a higher class at the same or higher rate of salary upon demonstration of ability to assume duties of greater responsibility which is now incorporated in section 1016 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

§ 938. Commission as consul or vice consul

On the recommendation of the Secretary, the President may, by and with the advice and consent of the Senate, commission a staff officer or employee as consul. The Secretary may commission a staff officer or employee as vice consul. Official acts of staff officers or employees while serving under consular commissions in the Service shall be performed under their respective commissions as consular officers.

(Aug. 13, 1946, ch. 957, title V, § 533, 60 Stat. 1010.)

§ 939. Citizenship requirements

No person shall be eligible for appointment as staff officer or employee who is not a citizen of the United States at the time of his appointment.

(Aug. 13, 1946, ch. 957, title V, § 534, 60 Stat. 1011.)

CROSS REFERENCES

Foreign Service officers, citizenship requirements of, see section 910 of this title.

PART E—ALIEN CLERKS AND EMPLOYEES

§ 946. Appointments

The Secretary shall appoint alien clerks and employees at posts abroad under such regulations as he may prescribe and, as soon as practicable, in accordance with the provisions of section 889 of this title.

(Aug. 13, 1946, ch. 957, title V, § 541, 60 Stat. 1011.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 861 of this title.

§ 947. Assignments and transfers

The Secretary may assign an alien clerk or employee to a position at any post, and any such clerk or employee may be transferred from a position at one post to a position at another as the interests of the Service may require.

(Aug. 13, 1946, ch. 957, title V, § 542, 60 Stat. 1011.)

PART F—CONSULAR AGENTS

§ 951. Appointments

The Secretary may appoint consular agents under such regulations as he may prescribe and, as soon as practicable, in accordance with the provisions of section 890 of this title.

(Aug. 13, 1946, ch. 957, title V, § 551, 60 Stat. 1011.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 861 of this title.

PART G—ASSIGNMENT OF PERSONNEL BY THE ARMY AND NAVY DEPARTMENTS

§§ 956, 957. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 956, act Aug. 13, 1946, ch. 957, title V, § 561, 60 Stat. 1011, related to detail of military and naval personnel as inspectors or supervisors of buildings, or as couriers, and is covered by section 713 of Title 10, Armed Forces.

Section 957, act Aug. 13, 1946, ch. 957, title V, § 562, 60 Stat. 1011, authorized the Secretary of the Navy to assign enlisted men of the Navy and Marine Corps to serve as custodians at an embassy, legation, or consulate, and is covered by section 5983 of Title 10, Armed Forces.

PART H—ASSIGNMENT OF FOREIGN SERVICE PERSONNEL

§ 961. Assignments to any Government agency or international organization

(a) Discretion of Secretary; tour of duty

Any officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed for duty in any Government agency, or in any international organization, international commission, or international body, such an assignment or combination of assignments to be for a period of not more than four years, except that under special circumstances the Secretary may extend this four-year period for not more than four additional years: *Provided*, That in individual cases when personally approved by the Secretary further extension may be made.

(b) Status as foreign service officer

If a Foreign Service officer shall be appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any Government agency, any United States delegation or mission to any international organization, in any international commission, or in any international body, the period of his service in such capacity shall be construed as constituting an assignment within the meaning of subsection (a) of this section and such person shall not, by virtue of the acceptance of such an assignment, lose his status as a Foreign Service officer. Service in such a position shall not, however, be subject to the limitations concerning the duration of an assignment contained in subsection (a) of this section.

(c) Compensation

If the basic minimum salary of the position to which an officer or employee of the Service is assigned pursuant to the terms of this section is higher than the salary such officer or employee is entitled to receive as an officer or employee of the Service, such officer or employee shall, during the period such difference in salary exists, receive the salary and allowances of the position in which he is serving in lieu of his salary and allowances as an officer or employee of the Service. Any salary paid under the provisions of this section shall be the salary on the basis of which computations and payments shall be made in accordance with the provisions of subchapter VIII of this chapter. No officer or employee of the Service who, subsequent to September 8, 1960, is assigned to, or who, after June 30, 1961, occupies a position in the Department that is designated as a Foreign Service officer position, shall be entitled to receive a salary differential under the provisions of this subsection.

(d) Source of compensation; reimbursement

The salary of an officer or employee assigned pursuant to the terms of this section shall be paid from appropriations made available for the payment of salaries of officers and employees of the Service. Such appropriations may be reimbursed, however, when the Secretary enters into reimbursement agreements for all or any part of the salaries of officers or employees assigned to such agencies and payment is received pursuant thereto, or when an officer or employee of the Service is assigned to a position the salary of which is payable from other funds available to the Department.

(Aug. 13, 1946, ch. 957, title V, § 571, 60 Stat. 1011; May 26, 1949, ch. 143, § 5, 63 Stat. 111; Apr. 5, 1955, ch. 23, § 6, 69 Stat. 25; June 30, 1958, Pub. L. 85-477, ch. V, § 502(h), 72 Stat. 273; Sept. 8, 1960, Pub. L. 86-723, § 14, 74 Stat. 833; Dec. 16, 1963, Pub. L. 88-205, pt. IV, § 404(a), 77 Stat. 391.)

AMENDMENTS

1963—Subsec. (a). Pub. L. 88-205 inserted proviso that in individual cases, when personally approved by the Secretary, further extension may be made.

1960—Pub. L. 86-723, § 14(a), inserted "or international organization" in the catchline.

Subsec. (a). Pub. L. 86-723, § 14(a), authorized the Secretary to assign personnel of the Service to any international organization, international commission, or international body.

Subsec. (b). Pub. L. 86-723, § 14(a), redesignated former subsec. (c) as (b), authorized appointments by President alone, provided for appointments to any United States delegation or mission to any international organization, international commission, or international body, and eliminated "for duty" preceding "within the meaning of subsection (a)", "or concerning reassignment" preceding "contained in subsection (a)" and the provisions deeming an assignment under the provisions of this section the acceptance of a position in a Government agency upon resignation or retirement from the Service on or after Nov. 14, 1957, but prior to June 30, 1958, for purpose of such acceptance and authorizing adjustment with respect to special contributions deposited in the Retirement and Disability Fund by such personnel on salaries in excess of $13,500. Former subsec. (b) related to appointment and term of Foreign Service officer as Director General and reassignment to a position in the Department upon expiration of prescribed period following such appointment.

Subsec. (c). Pub. L. 86-723, § 14(a), redesignated former subsec. (d) as (c), inserted therein "and allowances" in two instances, deleted therefrom "shall be paid from appropriations made available for the payment of salaries of officers and employees of the Service and" preceding "shall be the salary" and added the prohibition against receipt of a salary differential. Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 86-723, § 14(b), redesignated former subsec. (e) as (d), deleting therefrom "with heads of Government agencies" following "reimbursement agreements".

1958—Subsec. (c). Pub. L. 85-477 eliminated "in the Department" which followed "to a position" and "assignment for duty", and inserted provisions relating to Foreign Service officers who resigned, or retired on or after Nov. 14, 1957, but prior to June 30, 1958, to accept an immediate appointment to another position.

1955—Subsec. (a). Act Apr. 5, 1955, § 6(a), permitted extension of an assignment for duty in the United

States beyond the former limit of 4 years to an additional period not to exceed 4 years, or a total of 8 years, and eliminated the prohibition against an officer or employee who had been assigned to duty in another Government agency being assigned again to duty in a Government agency for a period of 2 years or for a period equal to his preceding tour of duty, whichever was less.

Subsec. (e). Act Apr. 5, 1955, § 6(b), added subsec. (e).

1949—Subsec. (b). Act May 26, 1949, deleted "Deputy Director General" following "Director General or" in two instances.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

ADMINISTRATION OF SERVICE

Administration of Service by Secretary of State and delegation of his authority, see section 811a of this title.

CROSS REFERENCES

Agricultural attachés, subsec. (d) inapplicable to, see section 1767 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 962, 963, 1226 of this title; title 7 section 1767.

§ 962. Compulsory service in continental United States

Every Foreign Service officer shall, during his first fifteen years of service in such capacity, be assigned for duty in the continental United States in accordance with the provisions of section 961 of this title for periods totaling not less than three years.

(Aug. 13, 1946, ch. 957, title V, § 572, 60 Stat. 1012.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 966, 1226 of this title.

§ 963. Assignment for consultation or instruction

(a) Any officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed to any Government agency for consultation or specific instruction either at the commencement, during the course of, or at the close of the period of his official service; and any such detail or assignment, if not more than four months in duration, shall not be considered as an assignment within the meaning of section 961 of this title.

(b) Any officer or employee of the Service may be assigned or detailed for special instruction or training at or with public or private nonprofit institutions; trade, labor, agricultural, or scientific associations; or commercial firms.

(Aug. 13, 1946, ch. 957, title V, § 573, 60 Stat. 1012.)

CROSS REFERENCES

Payment of tuition and other expenses, see section 1045 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1045, 1226 of this title.

§ 964. Assignment to trade, labor, agricultural, scientific, or other conferences

An officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed for duty with domestic or international trade, labor, agricultural, scientific, or other conferences, congresses, or gatherings, including those whose place of meeting is in the continental United States; or for other special duties, including temporary details under commission not at his post or in the Department.

(Aug. 13, 1946, ch. 957, title V, § 574, 60 Stat. 1012.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1226 of this title.

§ 965. Assignments to foreign governments

The Secretary may, in his discretion, assign or detail an officer or employee of the Service for temporary service to or in cooperation with the government of another country in accordance with the appropriate provisions of subchapter III of chapter 18 of this title, and sections 1478 and 1479 of this title.

(Aug. 13, 1946, ch. 957, title V, § 575, 60 Stat. 1013; Sept. 8, 1960, Pub. L. 86-723, § 15, 74 Stat. 834.)

AMENDMENTS

1960—Pub. L. 86-723 substituted "with the appropriate provisions of subchapter III of chapter 18 of this title, and sections 1478 and 1479 of this title" for "with the provisions of the Act of May 25, 1938, as amended (52 Stat. 442; 53 Stat. 652)".

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1226 of this title.

§ 966. Assignment to public organizations and Members and offices of Congress

(a) Number; requirements of assignment; reimbursement

(1) A substantial number of Foreign Service officers shall, before their fifteenth year of service as such officers, be assigned in the United States, or any territory or possession thereof, for significant duty with a State or local government, public school, community college, or other public organization designated by the Secretary. Such duty may include assignment to a Member of office of the Congress, except that of the total number of officers assigned under this section at any one time, not more than 20 per centum may be assigned to Congress.

(2) To the extent practical, assignments shall be for at least twelve consecutive months and may be on a reimbursable basis. Any such reim-

bursements shall be credited to and used by the appropriations made available for the salaries and expenses of officers or employees.

(b) Status of officer

A Foreign Service officer on assignment under this section shall be deemed to be on detail to a regular work assignment in the Service, and the officer remains an employee of the Department while so assigned.

(c) Continuity of service

Any period of time that a Foreign Service officer serves on an assignment under this section shall also be considered as a period of time that the officer was assigned for duty in the continental United States for purposes of section 962 of this title.

(d) Definitions

For the purpose of this section—

(1) "State" means—

(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority of instrumentality; and

(2) "local government" means—

(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

(e) Report to Congress by Secretary; contents

Not later than six months after November 29, 1975, the Secretary shall transmit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate describing the steps he has taken to carry out the provisions of this section; and he shall transmit such reports annually thereafter.

(f) Eligibility of officer

The provisions of this section shall apply only to a Foreign Service officer who has completed his tenth year of service as such an officer on or after October 1, 1975.

(Aug. 13, 1946, ch. 957, title V, § 576, as added Oct. 26, 1974, Pub. L. 93-475, § 9(a), 88 Stat. 1440, and amended Nov. 29, 1975, Pub. L. 94-141, title IV, § 401(a), 89 Stat. 763.)

PRIOR PROVISIONS

A prior section 576 of act Aug. 13, 1946, ch. 957, title V, 60 Stat. 1013, which provided for assignments to international organizations, was repealed by Pub. L. 86-723, § 52(3), (Sept. 8, 1960, 74 Stat. 847. See section 961 of this title.

AMENDMENTS

1975—Subsec. (a). Pub. L. 94-141, § 401(a)(1), redesignated subsec. (a) as (a)(1), and, as so redesignated, revised number of Foreign Service officers, eligible for assignment, length of service requirements, and scope and limitations of assignments, and added subsec. (a)(2).

Subsec. (b). Pub. L. 94-141, § 401(a)(2) struck out provisions relating to applicability of selecting out process provided for under section 1003 of this title in determining status of officer, and funds from which salaries were to be paid.

Subsecs. (e), (f). Pub. L. 94-141, § 401(a)(3) added subsecs. (e) and (f).

EFFECTIVE DATE

Section 9(b) of Pub. L. 93-475, which provided that this section shall only apply to a Foreign Service officer who has completed eight years of service as such an officer on or after Oct. 26, 1974, was repealed by section 401(b) of Pub. L. 94-141.

§ 967. Repealed. Pub. L. 86-723, § 52(4), Sept. 8, 1960, 74 Stat. 847

Section, act Aug. 13, 1946, ch. 957, title V, § 577, 60 Stat. 1013, related to assignment or detail to United States as affecting personnel ceilings.

EFFECTIVE DATE OF REPEAL

Repeal of this section by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendments note under section 809 of this title.

§ 968. Foreign language knowledge prerequisite to assignment

The Secretary shall designate every Foreign Service officer position in a foreign country whose incumbent should have a useful knowledge of a language or dialect common to such country. After December 31, 1963, each position so designated shall be filled only by an incumbent having such knowledge: *Provided,* That the Secretary or Deputy Under Secretary for Administration may make exceptions to this requirement for individuals or when special or emergency conditions exist. The Secretary shall establish foreign language standards for assignment abroad of officers and employees of the Service, and shall arrange for appropriate language training of such officers and employees at the Foreign Service Institute or elsewhere.

(Aug. 13, 1946, ch. 957, title V, § 578, as added Sept. 8, 1960, Pub. L. 86-723, § 16, 74 Stat. 834.)

EFFECTIVE DATE

Section effective the first day of the first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1226, 2385 of this title.

SUBCHAPTER VI—PERSONNEL ADMINISTRATION

PART A—GENERAL

§ 981. Definitions

For the purposes of this subchapter—

(1) "Efficiency record" is the term which describes those materials considered by the Director General to be pertinent to the preparation of an evaluation of the performance of an officer or employee of the Service.

(2) "Efficiency report" is the term which designates the analysis of the performance of an officer or employee made by his supervising officer or by a Foreign Service inspector

in accordance with such regulations as may be prescribed by the Secretary.

(Aug. 13, 1946, ch. 957, title VI, § 601, 60 Stat. 1013.)

ADMINISTRATION OF SERVICE

Administration of Service by Secretary of State and delegation of his authority, see section 811a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 987 of this title.

PART B—EFFICIENCY RECORDS

§ 986. Director General responsible for efficiency records

The Director General, acting under the general direction of the Board of the Foreign Service, shall be responsible for the keeping of accurate and impartial efficiency records. Under his direction there shall be assembled, recorded, and preserved all available information in regard to the character, ability, conduct, quality of work, industry, experience, dependability, and general usefulness of all officers and employees of the Service, including the reports of Foreign Service inspectors and the efficiency reports of supervising officers. The Director General shall undertake such statistical and other analyses as may be necessary to develop the validity and reliability of efficiency reporting forms and procedures.

(Aug. 13, 1946, ch. 957, title VI, § 611, 60 Stat. 1013.)

ADMINISTRATION OF SERVICE

Administration of Service by Secretary of State and delegation of his authority, see section 811a of this title.

ESTABLISHMENT OF THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS OF THE FOREIGN SERVICE

Both the Board of the Foreign Service and the Board of Examiners for the Foreign Service were established and functions delegated to them by Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, set out under section 826 of this title. The prior Board of the Foreign Service and Board of Examiners for the Foreign Service were both abolished and their functions, together with the functions of their chairman and other officers, were transferred to the President of the United States by sections 1(c), (d), and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

§ 987. Availability of records

The correspondence and records of the Department relating to the officers and employees of the Service, including efficiency records as defined in section 981(1) of this title but not including records pertaining to the receipt, disbursement, and accounting for public funds, shall be confidential and subject to inspection only by the President, the Secretary, the Under Secretary, the Counselor of the Department, the legislative and appropriations committees of the Congress charged with considering legislation and appropriations for the Service or representatives duly authorized by such committees, the members of the Board of the Foreign Service, the Director General, and such officers and employees of the Government as may be assigned by the Secretary to work on such records. Under such regulations as the Secretary may prescribe and in the interest of efficient personnel administration, the whole or any portion of an efficiency record shall, upon written request, be divulged to the officer or employee to whom such record relates.

(Aug. 13, 1946, ch. 957, title VI, § 612, 60 Stat. 1014.)

ESTABLISHMENT OF THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS OF THE FOREIGN SERVICE

Both the Board of the Foreign Service and the Board of Examiners for the Foreign Service were established and functions delegated to them by Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, set out under section 826 of this title. The prior Board of the Foreign Service and Board of Examiners for the Foreign Service were both abolished and their functions, together with the functions of their chairman and other officers, were transferred to the President of the United States by sections 1(c), (d), and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

PART C—PROMOTION OF FOREIGN SERVICE OFFICERS AND RESERVE OFFICERS

§ 991. Promotion of Foreign Service officers by selection; affidavit requirements

All promotions of Foreign Service officers shall be made by the President, in accordance with such regulations as he may prescribe, by appointment to a higher class, by and with the advice and consent of the Senate. Promotion shall be by selection on the basis of merit. The affidavit requirements of sections 3332 and 3333(a) of title 5 shall not apply with respect to a Foreign Service officer who has complied with such requirements and who is subsequently promoted by appointment to a higher class without a break in service.

(Aug. 13, 1946, ch. 957, title VI, § 621, 60 Stat. 1014; Nov. 29, 1975, Pub. L. 94-141, title IV, § 402, 89 Stat. 764.)

AMENDMENTS

1975—Pub. L. 94-141 added provision that affidavit requirements of sections 3332 and 3333(a) of title 5 shall not apply to a Foreign Service officer who has previously complied with such requirements and is subsequently promoted to a higher class.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1227 of this title.

§ 992. Eligibility

The Secretary shall, by regulation, determine the minimum period Foreign Service officers must serve in each class and a standard for performance for each class which they must meet in order to become eligible for promotion to a higher class. In the event the Director General shall certify to the Board of the Foreign Service that a Foreign Service officer has rendered extraordinarily meritorious service, the Board of the Foreign Service may recommend to the Secretary that such officer shall not be required to serve such minimum period in class as a prerequisite to promotion, and the Secretary

may exempt such officer from such requirement.

(Aug. 13, 1946, ch. 957, title VI, § 622, 60 Stat. 1014.)

ADMINISTRATION OF SERVICE

Administration of Service by Secretary of State and delegation of his authority, see section 811a of this title.

ESTABLISHMENT OF THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS OF THE FOREIGN SERVICE

Both the Board of the Foreign Service and the Board of Examiners for the Foreign Service were established and functions delegated to them by Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, set out under section 826 of this title. The prior Board of the Foreign Service and Board of Examiners for the Foreign Service were both abolished and their functions, together with the functions of their chairman and other officers, were transferred to the President of the United States by sections 1(c), (d), and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1227 of this title.

§ 993. Recommendations for promotion

(a) Evaluation of performance by selection boards; rank order lists

The Secretary shall establish, with the advice of the Board of the Foreign Service, selection boards to evaluate the performance of Foreign Service officers; and upon the basis of their findings, which, except for career ambassadors and career ministers, shall be submitted to the Secretary in rank order by class or in rank order by specialization within a class, the Secretary shall make recommendations in accordance with the findings to the President for the promotion of Foreign Service officers. No person assigned to serve on any such board shall serve in such capacity for any two consecutive years. In special circumstances, however, which shall be set forth by regulations, the Secretary shall have the authority to remove individual names from the rank order list submitted by the selection boards or to delay the inclusion of individual names until a subsequent list of nominations is transmitted to the President.

(b) Recommendations of grievance boards or panels or equal employment opportunity appeals examiners

The Secretary may, pursuant to a recommendation of a duly constituted grievance board or panel or an equal employment opportunity appeals examiner—

(1) recommend to the President the promotion of a Foreign Service officer;

(2) promote Foreign Service Staff personnel and Foreign Service Reserve officers with limited or unlimited tenure; and

(3) grant to Foreign Service personnel additional step increases in salary, within the salary range established for the class in which an officer or employee is serving.

(c) Retroactive promotions; additional increases in salary

The Secretary may, in special circumstances which shall be set forth in regulations, make retroactive promotions and additional increases in salary within class made or granted under the authority of this section.

(Aug. 13, 1946, ch. 957, title VI, § 623, 60 Stat. 1014; Oct. 18, 1973, Pub. L. 93-126, § 10, 87 Stat. 453.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93-126 designated existing provisions as subsec. (a) and in subsec. (a) as so designated inserted ", which, except for career ambassadors and career ministers, shall be submitted to the Secretary in rank order by class or in rank order by specialization within a class," following "upon the basis of their findings" and "in accordance with the findings" following "the Secretary shall make recommendations", and added authorization for the Secretary to remove individual names from the rank order list submitted by the selection boards or to delay the inclusion of individual names for inclusion in a subsequent list.

Subsecs. (b), (c). Pub. L. 93-126 added subsecs. (b) and (c).

ESTABLISHMENT OF THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS OF THE FOREIGN SERVICE

Both the Board of the Foreign Service and the Board of Examiners for the Foreign Service were established and functions delegated to them by Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, set out under section 826 of this title. The prior Board of the Foreign Service and Board of Examiners for the Foreign Service were both abolished and their functions, together with the functions of their chairman and other officers, were transferred to the President of the United States by sections 1(c), (d), and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1037a, 1227 of this title.

§ 994. Promotion of Reserve officers

Any Reserve officer may receive promotions from one class to a next higher class in accordance with regulations prescribed by the Secretary.

(Aug. 13, 1946, ch. 957, title VI, § 624, 60 Stat. 1014.)

§ 995. Within-class salary increases; computation period; service credit; definition

(a) Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Service and who shall have been in a given class for a continuous period of nine months or more, shall, on the first day of the first pay period that begins on or after July 1 each year, receive an increase in salary to the next higher rate for the class in which such officer is serving. Credit toward such nine-month period may be granted to an officer in accordance with such regulations as the Secretary may prescribe for any civilian service of such officer with the Government or with the government of the District of Columbia which was

performed subsequent to any break in service in excess of three calendar days and subsequent to the officer's last equivalent increase in pay. As used in this subsection, the term "equivalent increase in pay" means—

(1) any increase in basic salary resulting from—

(A) a grade or class promotion,

(B) a regularly scheduled within-grade or within-class step increase, or

(C) a salary adjustment or combination of adjustments—

(i) made since the last equivalent increase in pay,

(ii) resulting from conversion from one pay system to another, and

(iii) equal to or greater than the amount of the within-class increase for the class to which the officer was appointed; or

(2) such other increases in salary as the Secretary may by regulation designate;

but does not include any general increase in salary granted by law or any within-grade or within-class increase in salary awarded for meritorious performance.

(b) Without regard to any other law, the Secretary is authorized to grant to any Foreign Service officer or any Reserve officer additional increases in salary, within the salary range established for the class in which such officer is serving, based upon especially meritorious service.

(Aug. 13, 1946, ch. 957, title VI, § 625, 60 Stat. 1014; Sept. 8, 1960, Pub. L. 86-723, § 17, 74 Stat. 834; Nov. 29, 1975, Pub. L. 94-141, title IV, § 403, 89 Stat. 764.)

AMENDMENTS

1975—Pub. L. 94-141 redesignated existing provisions as subsecs. (a) and (b), and, as so redesignated, substituted the first day of the first pay period beginning on or after July 1 each year as the period of computation, for the first day of each fiscal year as such period, added provisions authorizing credit for the nine-month period to be given any officer for civilian service with the Government or the government of the District of Columbia, and added definition of term "equivalent increase in pay".

1960—Pub. L. 86-723 substituted "Within-class salary increases" for "In-class promotions" in the catchline and authorized additional increases to be granted without regard to any other law.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1227, 1233 of this title.

§ 996. Functional and geographic area specialization; effect upon promotion

The achievement of the objectives of this chapter requires increasing numbers of Foreign Service officers to acquire functional and geographic area specializations and to pursue such specializations for a substantial part of their careers. Such specialization shall not in any way inhibit or prejudice the orderly advancement through class 1 of any such officer in the Foreign Service.

(Aug. 13, 1946, ch. 957, title VI, § 626, as added Sept. 8, 1960, Pub. L. 86-723, § 18, 74 Stat. 834.)

EFFECTIVE DATE

Section effective the first day of first pay period which begins more than thirty days after September 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1227 of this title.

PART D—SEPARATION OF OFFICERS AND EMPLOYEES FROM THE SERVICE

AMENDMENTS

1960—Pub. L. 86-723, § 19, Sept. 8, 1960, 75 Stat. 835, substituted "Officers and Employees" for "Foreign Service Officers" in the part heading.

§ 1001. Career ambassadors

Any Foreign Service officer who is a career ambassador, other than one occupying a position as chief of mission or any other position to which appointed by the President, by and with the advice and consent of the Senate, shall be retired from the Service at the end of the month in which the officer reaches age sixty-five and receive retirement benefits in accordance with the provisions of section 1076 of this title, but whenever the Secretary shall determine it to be in the public interest, such an officer may be retained on active service for a period not to exceed five years. Any such officer who completes a period of authorized service after reaching age sixty-five shall be retired at the end of the month in which such service is completed.

(Aug. 13, 1946, ch. 957, title VI, § 631, 60 Stat. 1015; Aug. 5, 1955, ch. 576, § 8, 69 Stat. 537; Sept. 8, 1960, Pub. L. 86-723, § 20, 74 Stat. 835; July 12, 1976, Pub. L. 94-350, title V, § 518, 90 Stat. 845.)

AMENDMENTS

1976—Pub. L. 94-350 struck out "or a career minister" following "career ambassador", substituted provision for retirement from the Service at the end of the month in which the age of sixty-five is reached for prior provision for retirement upon reaching the age of sixty-five, and added provision for retirement at the end of the month in which authorized period of service not exceeding five years after reaching age sixty-five is completed.

1960—Pub. L. 86-723 inserted "or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate" and provided for extension of service when determined to be in the public interest rather than upon determination of existence of an emergency.

1955—Act Aug. 5, 1955, inserted "a career ambassador or" after "who is".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-350 effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

CAREER MINISTERS

Section 524(o) of Pub. L. 94-350 provided that:

"Any Foreign Service officer who is or becomes a career minister and who is not occupying a position to which appointed by the President, by and with the advice and consent of the Senate, shall be mandatorily retired for age in accordance with the schedule below and receive benefits under section 821 of the Foreign Service Act of 1946 [section 1076 of this title], unless the Secretary determines it to be in the public interest to extend such officer's service for a period not to exceed five years:

"RETIREMENT SCHEDULE

"(1) Any career minister who reaches age sixty-five during the month this title becomes effective [October, 1976 (see section 524(a) of Pub. L. 94-350, set out as a note under section 915 of this title)] shall be retired at the end of such month.

"(2) Other career ministers who are age sixty or over on such effective date [October, 1976] shall be retired at the end of the month which contains the midpoint between the last day of the month of such effective date [October, 1976] and the last day of the month during which the officer would reach age sixty-five, counting thirty days to the month.

"(3) On the last day of the thirtieth month which ends after such effective date, [October, 1976] all other career ministers who are age sixty or over shall be retired, and thereafter the amendments made by sections 518 and 519 [to this section and section 1002 of this title] shall be applicable in all cases.

"(4) Any career minister who completes a period of authorized service after he reaches mandatory retirement age as provided in the above schedule shall be retired at the end of the month in which the officer completes such service."

CROSS REFERENCES

Annual physical examination of career ministers retired for disability, see section 1081 of this title.

Officer retired under this section not barred from employment in a civil service position, see section 3323 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1228 of this title; title 5 section 3323.

§ 1002. Participants not career ambassadors

Any participant in the Foreign Service Retirement and Disability System, other than one occupying a position as chief of mission or any other position to which appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador shall be retired from the Service at the end of the month in which the participant reaches age sixty and receive retirement benefits in accordance with the provisions of section 1076 of this title, but whenever the Secretary shall determine it to be in the public interest, such a participant may be retained on active service for a period not to exceed five years. Any such participant who completes a period of authorized service after reaching age sixty shall be retired at the end of the month in which such service is completed.

(Aug. 13, 1946, ch. 957, title VI, § 632, 60 Stat. 1015; Aug. 5, 1955, ch. 576, § 9, 69 Stat. 537; Sept. 8, 1960, Pub. L. 86-723, § 21, 74 Stat. 835; July 12, 1976, Pub. L. 94-350, title V, § 519, 90 Stat. 846.)

AMENDMENTS

1976—Pub. L. 94-350 struck out "or a career minister" following "career ambassador", substituted provision for retirement from the Service at the end of the month in which the age of sixty is reached for prior provision for retirement upon reaching the age of sixty, and added provision for retirement at the end of the month in which authorized period of service not exceeding five years after reaching age sixty is completed.

1960—Pub. L. 86-723 substituted "Any participant in the Foreign Service Retirement and Disability System, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate" for "Any Foreign Service officer" and provided for extension of service when determined to be in the public interest rather than upon determination of existence of an emergency.

1955—Act Aug. 5, 1955, inserted "a career ambassador or" following "who is not".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-350 effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

CONVERSION TO FOREIGN SERVICE RETIREMENT SYSTEM

For transfer of officers and employees from Civil Service Retirement and Disability System, including transfer of retirement contributions, to Foreign Service Retirement System, see section 522(a) to (c) of Pub. L. 94-350, set out as a note under section 1063 of this title.

MANDATORY RETIREMENT

Section 1111 of act Aug. 13, 1946, provided that notwithstanding section 1002 of this title, Foreign Service Officers below the career minister class were to be mandatorily retired, unless extended pursuant to section 1002 of this title, at age 64 during the first year after the effective date of act Aug. 13, 1946, at age 63 during the second year thereafter, at age 62 during the third year thereafter, and at age 61 during the fourth year thereafter. In no event was mandatory retirement to be effected during such 4 year period until the officer had 15 years of service. Further, no officer was to be mandatorily retired pursuant to sections 1003 and 1004 of this title [now repealed] until 3 years after the effective date of act Aug. 13, 1946.

CROSS REFERENCES

Annual physical examination of officers not career ministers retired for disability, see section 1081 of this title.

Officer retired under this section not barred from employment in a civil service position, see section 3323 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1228 of this title; title 5 section 3323.

§ 1003. Selection-out

(a) The Secretary shall prescribe regulations concerning—

(1) the maximum period during which any Foreign Service officer below the class of career minister shall be permitted to remain in class without promotion; and

(2) the standard of performance which any such officer must maintain to remain in the Service.

(b) Any Foreign Service officer below the class of career minister who does not receive a promotion to a higher class within the specified period or who fails to meet the standard of performance required of officers of his class shall be retired from the Service and receive benefits in accordance with the provisions of section 1004 of this title.

(Aug. 13, 1946, ch. 957, title VI, § 633, as added Apr. 5, 1955, ch. 23, § 7, 69 Stat. 25.)

PRIOR PROVISIONS

A prior section 633 of act Aug. 13, 1946, ch. 957, title VI, 60 Stat. 1015, which provided that the Secretary should prescribe the maximum period during which Foreign Service officers in classes 2 or 3 should remain in force without promotion and for retirement from the Service for any officer who did not receive a promotion within such period, was repealed by act Apr. 5, 1955, which added the provisions of this section extending the selection-out principle to class 1 officers who had previously been exempt, and establishing maintenance of a specified standard of performance as a prerequisite of remaining in the Service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 882, 930, 1004, 1037a, 1228, 1233, 2385 of this title.

§ 1004. Selection-out benefits

(a) Foreign Service officer; classes 1, 2, or 3

Any Foreign Service officer in classes 1, 2, or 3 who is retired from the Service in accordance with the provisions of section 1003 of this title shall receive retirement benefits in accordance with the provisions of section 1076 of this title.

(b) Foreign Service officer; classes 4, 5, 6, or 7

Any Foreign Service officer in classes 4, 5, 6, or 7 who is retired from the Service in accordance with the provisions of section 1003 of this title shall receive—

(1) one-twelfth of a year's salary at his then current salary rate for each year of service and proportionately for a fraction of a year, but not exceeding a total of one year's salary at his then current salary rate, payable without interest, from the Foreign Service Retirement and Disability Fund, in three equal installments on the 1st day of January following the officer's retirement and on the two anniversaries of this date immediately following: *Provided*, That in special cases, the Secretary may in his discretion accelerate or combine the installments; and

(2) a refund of the contributions made to the Foreign Service Retirement and Disability Fund, as provided in section 1086 of this title, except that in lieu of such refund such officer, if he has at least five years of service credit toward retirement under the Foreign Service Retirement and Disability System, excluding military or naval service, may elect to receive retirement benefits on reaching the age of sixty in accordance with the provisions of section 1076 of this title. In the event that an officer who was separated from class 4 or 5 and who has elected to receive retirement benefits dies before reaching the age of sixty, his death shall be considered a death in service within the meaning of section 1082 of this title. In the event that an officer who was separated from class 6 or 7 and who has elected to receive retirement benefits dies before reaching the age of sixty, the total amount of his contributions made to the Foreign Service Retirement and Disability Fund, shall be paid in accordance with the provisions of section 1086 of this title.

(c) Assignment of benefits

Notwithstanding the provisions of section 203 of title 31, or the provisions of any other law, a Foreign Service officer who is retired in accordance with the provisions of section 1003 of this title shall have the right to assign to any person or corporation the whole or any part of the benefits receivable by him pursuant to subsection (b)(1) of this section. Any such assignment shall be on a form approved by the Secretary of the Treasury and a copy thereof shall be deposited with the Secretary of the Treasury by the officer executing the assignment.

(Aug. 13, 1946, ch. 957, title VI, § 634, as added Apr. 5, 1955, ch. 23, § 7, 69 Stat. 25, and amended July 28, 1956, ch. 770, § 7, 70 Stat. 704; Sept. 8, 1960, Pub. L. 86-723, § 22, 74 Stat. 835; July 12, 1976, Pub. L. 94-350, title V, § 520, 90 Stat. 846.)

PRIOR PROVISIONS

Former section 634 of act Aug. 13, 1946, ch. 957, title VI, 60 Stat. 1015, which provided selection-out benefits to officers in classes 4 and 5 was repealed by act Apr. 5, 1955, which made changes in order to extend to officers of class 1 who are selected out the retirement benefits provided for officers of classes 2 and 3 who are selected out and to limit the amount of selection-out gratuity payable to officers of classes 4 and 5 retired under the provisions of section 1003 (as added by act Apr. 5, 1955) of this title to 1 year's pay.

AMENDMENTS

1976—Subsec. (b)(2). Pub. L. 94-350 substituted "Disability Fund as provided in section 1086 of this title, except that in lieu of such refund such officer, if he has at least five years of service credit toward retirement under the Foreign Service Retirement and Disability System, excluding military or naval service, may elect" for "Disability Fund, with interest as provided in section 1086(a) of this title, except that in lieu of such refund such officer, if he has at least five years of service credit toward retirement under the Foreign Service Retirement and Disability System, excluding military or naval service that is credited in accordance with the provisions of section 1091 or 1092(a) of this title, may elect" and "Disability Fund, shall be paid in accordance with the provisions of section 1086 of this title" for "Disability Fund, with interest as provided in section 1086(a) of this title, shall be paid in accordance with the provisions of section 1086(b) of this title".

1960—Subsec. (b). Pub. L. 86-723 inserted "from the Foreign Service Retirement and Disability Fund" and added the proviso in par. (1) and substituted "with interest as provided in section 1086(a) of this title" for "with interest thereon at 4 per centum, compounded annually" in two instances, "sixty" for "sixty-two" in three instances and inserted "if he has at least five

years of service credit toward retirement under the Foreign Service Retirement and Disability System, excluding military or naval service that is credited in accordance with the provisions of section 1091 or 1092(a) of this title" in par. (2).

1956—Subsec. (b). Act July 28, 1956, substituted "classes 4, 5, 6 or 7" for "classes 4 or 5" in the opening par., and substituted "classes 4 or 5" for "class 4" and "classes 6 and 7" for "class 5" in par. (2).

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment of subsec. (b)(2) by Pub. L. 94-350 effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

CROSS REFERENCES

Assignment of moneys in the retirement and disability system as provided by this section, see section 1104 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 930, 1037a, 1104, 1121, 1228, 2385 of this title.

§ 1005. Officers in class 7 or 8

Any Foreign Service officer in class 7 who is appointed under the provisions of section 911(b) of this title and any Foreign Service officer in class 8 shall occupy probationary status. The Secretary may terminate his service at any time.

(Aug. 13, 1946, ch. 957, title VI, § 635, 60 Stat. 1016; July 28, 1956, ch. 770, § 8, 70 Stat. 704; Sept. 8, 1960, Pub. L. 86-723, § 23, 74 Stat. 836.)

AMENDMENTS

1960—Pub. L. 86-723 provided for the probationary status of any Foreign Service officer of class 7 appointed under the provisions of section 911(b) of this title.

1956—Act July 28, 1956, substituted "class 8" for "class 6".

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1228, 1233 of this title.

§ 1006. Voluntary retirement

Any participant in the Foreign Service Retirement and Disability System who is at least fifty years of age and has rendered twenty years of service, including service within the meaning of section 1093 of this title, may on his own application and with the consent of the Secretary be retired from the Service and receive benefits in accordance with the provisions of section 1076 of this title.

(Aug. 13, 1946, ch. 957, title VI, § 636, 60 Stat. 1016; Sept. 8, 1960, Pub. L. 86-723, § 24, 74 Stat. 836.)

AMENDMENTS

1960—Pub. L. 86-723 substituted "Any participant in the Foreign Service Retirement and Disability System" for "Any Foreign Service officer".

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

CROSS REFERENCES

Chiefs of missions, voluntary retirement of, see section 1083 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1081, 1228, 2385 of this title.

§ 1007. Separation for cause

(a) Unsatisfactory performance; efficiency of service; writing; hearing; class 8 officer; probationary status

The Secretary may, under such regulations as he may prescribe, separate from the Service any Foreign Service officer, Reserve officer, or staff officer or employee, on account of the unsatisfactory performance of his duties, or for such other cause as will promote the efficiency of the Service, with reasons given in writing, but no such officer or employee shall be so separated until he shall have been granted a hearing by the Board of the Foreign Service and the unsatisfactory performance of his duties, or other cause for separation, shall have been established at such hearing, unless he shall have waived in writing his right to a hearing. The provisions of this section shall not apply to Foreign Service officers of class 8 or any other officer or employee of the Service who is in a probationary status or whose appointment is limited or temporary, except when separation is by reason of misconduct.

(b) Refund from Foreign Service Retirement and Disability Fund; annuity

Any participant in the Foreign Service Retirement and Disability System separated under the provisions of subsection (a) of this section shall receive a refund of the contributions made to the Foreign Service Retirement and Disability Fund, as provided in section 1086 of this title except that in lieu of such refund such officer may (except in cases where the Secretary determines that separation was based in whole or in part on the ground of disloyalty to the United States) if he has at least five years of service credit toward retirement under this System, excluding military or naval service, elect to leave his contributions in the Fund and receive an annuity, computed as prescribed in section 1076 of this title commencing at the age of sixty years.

(c) Refund from system other than Foreign Service Retirement and Disability System

Any officer or employee of the Service separated under the provisions of subsection (a) of this section who is not a participant in the Foreign Service Retirement and Disability System shall be entitled only to such benefits as shall accrue to him under the retirement system in which he is a participant.

(d) Source of payments

Any payments made in accordance with the provisions of subsection (b) of this section shall be made out of the Foreign Service Retirement and Disability Fund.

(Aug. 13, 1946, ch. 957, title VI, § 637, 60 Stat. 1016; July 28, 1956, ch. 770, § 8, 70 Stat. 704; Sept. 8, 1960, Pub. L. 86-723, § 25(a), 74 Stat. 836; July 12, 1976, Pub. L. 94-350, title V, § 521, 90 Stat. 846.)

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-350, § 521(a), (b), substituted "Disability Fund, as provided in section 1086 of this title" for "Disability Fund, with interest, as provided in section 1086(a) of this title" and "military or naval service, elect to leave" for "military or naval service that is credited in accordance with the provisions of section 1091 or 1092(a) of this title, elect to leave" and struck out last sentence providing that in the event an officer who has elected to receive a deferred annuity dies before reaching the age of sixty, his contributions to the Fund, with interest, shall be paid in accordance with the provisions of sections 1086 and 1116 of this title, respectively.

1960—Pub. L. 86-723 substituted "Separation for cause" for "Separation for unsatisfactory performance of duty" in the catchline.

Subsec. (a). Pub. L. 86-723 substituted "any Foreign Service officer, Reserve officer, or staff officer or employee" for "any Foreign Service officer above class 8", inserted "or employee", provided for separation for such other cause as will promote the efficiency of the Service, with reasons given in writing, and establishment of such other cause at the hearing, provided for waiver of right to hearing and excepted from the section certain officers and employees.

Subsec. (b). Pub. L. 86-723 substituted provisions respecting refund of contributions made to the Fund, election to receive a deferred annuity and payment of contribution upon death after such election for former provisions for retirement upon an annuity limited to a maximum of 25 per centum of annual salary of Foreign Service officer over forty-five years of age retired for unsatisfactory performance of duty.

Subsec. (c). Pub. L. 86-723 substituted provision entitling separated person only to such benefits as accrue under the retirement system of which he is a participant for former provisions for receipt of the greater of one year's salary or refund of contributions made to the Fund.

Subsec. (d). Pub. L. 86-723 inserted "subsection (b) of".

1956—Subsec. (a). Act July 28, 1956, substituted "class 8" for "class 6".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment of subsec. (b) by Pub. L. 94-350 effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

RESTRICTION ON SEPARATION OF RESERVE OFFICER APPOINTEES BETWEEN SEPTEMBER 1, 1958, AND DECEMBER 31, 1958

Section 55 of Pub. L. 86-723 provided that, notwithstanding any other provision of law, a Foreign Service staff officer who accepted appointment as a Foreign Service Reserve officer in the Department of State from Sept. 1, 1958, to Dec. 31, 1958, was not to be separated from the Foreign Service before the expiration of his original appointment as a Foreign Service Reserve officer, except as authorized by this section.

Section 55 of Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

ESTABLISHMENT OF THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS OF THE FOREIGN SERVICE

Both the Board of the Foreign Service and the Board of Examiners for the Foreign Service were established and functions delegated to them by Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, set out under section 826 of this title. The prior Board of the Foreign Service and Board of Examiners for the Foreign Service were both abolished and their functions, together with the functions of their chairman and other officers, were transferred to the President of the United States by sections 1(c), (d), and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 936, 1008, 1228, 2385 of this title.

§ 1008. Termination of limited appointments of Reserve officers and staff officers and employees

Notwithstanding the provisions of this or any other law, the Secretary may, under such regulations as he may prescribe, terminate at any time the services of any Reserve officer or staff officer or employee serving under limited appointment, except that, if the termination is because of misconduct, the provisions of section 1007 of this title shall be applicable.

(Aug. 13, 1946, ch. 957, title VI, § 638, 60 Stat. 1016; Sept. 8, 1960, Pub. L. 86-723, § 26, 74 Stat. 837.)

AMENDMENTS

1960—Pub. L. 86-723 substituted provision for termination of limited appointment of Reserve officer, staff officer or employee for former provision relating to separation for misconduct or malfeasance and now incorporated in section 1007 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960Amendment note under section 809 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1037a of this title.

PART E—PROMOTION OF STAFF OFFICERS AND EMPLOYEES

§ 1016. Class promotion of staff personnel

All promotions of staff officers and employees to a higher class shall be made at a higher salary on the basis of performance and merit in accordance with such regulations as the Secretary may prescribe.

(Aug. 13, 1946, ch. 957, title VI, § 641, 60 Stat. 1017; Sept. 8, 1960, Pub. L. 86-723, § 27, 74 Stat. 837.)

AMENDMENTS

1960—Pub. L. 86-723 provided for class promotion of staff personnel at a higher salary on basis of performance and merit rather than promotion, upon demonstration of ability to assume duties of greater responsibility, to a vacant position in a higher class at the same or at a higher rate of salary.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

§ 1017. Within-class salary increases

Under such regulations as the Secretary may prescribe, any staff officer or employee whose services meet the standards required for the efficient conduct of the work of the Service shall receive an increase in salary at periodic intervals to the next higher salary rate for the class in which he is serving. Without regard to any other law the Secretary is authorized to grant any such officer or employ additional increases in salary within the salary range established for the class in which he is serving, based upon specially meritorious service.

(Aug. 13, 1946, ch. 957, title VI, § 642, 60 Stat. 1017; Sept. 8, 1960, Pub. L. 86-723, § 28, 74 Stat. 837; Oct. 11, 1962, Pub. L. 87-793, § 905, 76 Stat. 863.)

AMENDMENTS

1962—Pub. L. 87-793 eliminated provisions which authorized additional salary increases for staff officers and employees who have attained the maximum salary rate prescribed by section 870 of this title for the class in which they are serving in recognition of longevity or proficiency in the Service.

1960—Pub. L. 86-723 designated existing provisions as subsec (a), amended the provisions to require an increase in salary for services meeting the standards required for the efficient conduct of the work of the Service and to authorize an increase in salary based upon meritorious service, and added subsec. (b).

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-793 effective on the first day of the first pay period which begins on or after Oct. 11, 1962, see section 906 of Pub. L. 87-793, set out as an Effective Date of 1962 Amendment note under section 867 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

PART F—SEPARATION OF STAFF OFFICERS AND EMPLOYEES

§ 1021. Unsatisfactory performance of duty

The Secretary may, under such regulations as he may prescribe, separate from the Service any staff officer or employee on account of the unsatisfactory performance of his duties, but no such officer or employee shall be so separated from the Service until he shall have been granted a hearing by the Board of the Foreign Service and the unsatisfactory performance of his duties shall have been established at such hearing.

(Aug. 13, 1946, ch. 957, title VI, § 651, 60 Stat. 1017.)

ESTABLISHMENT OF THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS OF THE FOREIGN SERVICE

Both the Board of the Foreign Service and the Board of Examiners for the Foreign Service were established and functions delegated to them by Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, set out under section 826 of this title. The prior Board of the Foreign Service and Board of Examiners for the Foreign Service were both abolished and their functions, together with the functions of their chairman and other officers, were transferred to the President of the United States by sections 1(c), (d), and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1022. Misconduct or malfeasance

The Secretary shall separate from the Service any staff officer or employee who shall be guilty of misconduct or malfeasance in office, but no such officer or employee shall be so separated from the Service until he shall have been granted a hearing by the Board of the Foreign Service and his misconduct or malfeasance shall have been established at such hearing.

(Aug. 13, 1946, ch. 957, title VI, § 652, 60 Stat. 1017.)

ESTABLISHMENT OF THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS OF THE FOREIGN SERVICE

Both the Board of the Foreign Service and the Board of Examiners for the Foreign Service were established and functions delegated to them by Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, set out under section 826 of this title. The prior Board of the Foreign Service and Board of Examiners for the Foreign Service were both abolished and their functions, together with the functions of their chairman and other officers, were transferred to the President of the United States by sections 1(c), (d), and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

PART G—ALIEN CLERKS AND EMPLOYEES

§ 1026. Promotions

Alien clerks and employees shall receive promotions from one class to a higher class and in-class promotions in accordance with regulations prescribed by the Secretary.

(Aug. 13, 1946, ch. 957, title VI, § 661, 60 Stat. 1017.)

§ 1027. Separation for unsatisfactory performance of duty

The Secretary may, under such regulations as he may prescribe, separate from the Service any alien clerk or employee on account of the unsatisfactory performance of his duties.

(Aug. 13, 1946, ch. 957, title VI, § 662, 60 Stat. 1017.)

§ 1028. Separation for misconduct or malfeasance

The Secretary shall separate from the Service any alien clerk or employee who shall be found guilty of misconduct or malfeasance.

(Aug. 13, 1946, ch. 957, title VI, § 663, 60 Stat. 1017.)

PART H—CONSULAR AGENTS

§ 1031. Separation from service

The Secretary may, under such regulations as he may prescribe, separate any consular agent from the Service on account of—

(a) the unsatisfactory performance of his duties; or

(b) misconduct or malfeasance.

(Aug. 13, 1946, ch. 957, title VI, § 671, 60 Stat. 1017.)

PART I—INSPECTIONS

§ 1036. Detail of officers as inspectors; time of inspections; powers

The Secretary shall assign or detail Foreign Service officers as Foreign Service inspectors to inspect in a substantially uniform manner and at least once every two years the work of the diplomatic and consular establishments of the United States. Whenever the Secretary has reason to believe that the business of a consulate is not being properly conducted and that it is necessary in the public interest, he may authorize any Foreign Service inspector to suspend the principal officer or any subordinate consular officer and to administer the office in the place of the principal officer for a period not exceeding ninety days. The Secretary may also authorize a Foreign Service inspector to suspend any diplomatic officer except a chief of mission. A Foreign Service inspector shall have the authority to suspend any other officer or employee of the Service.

(Aug. 13, 1946, ch. 957, title VI, § 681, 60 Stat. 1018.)

PART J—FOREIGN SERVICE GRIEVANCES

§ 1037. Congressional statement of purpose

It is the purpose of this part to provide officers and employees of the Service and their survivors a grievance procedure to insure a full measure of due process, and to provide for the just consideration and resolution of grievances of such officers, employees, and survivors.

(Aug. 13, 1946, ch. 957, title VI, § 691, as added Nov. 29, 1975, Pub. L. 94-141, title IV, § 404(a), 89 Stat. 765.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1037a of this title.

§ 1037a. Consideration and resolution of grievances; promulgation of regulations for procedures; criteria

The Secretary shall, consistent with the purposes stated in section 1037 of this title, implement this part by promulgating regulations, and revising those regulations when necessary, to provide for the consideration and resolution of grievances by a board. No such regulation promulgated by the Secretary shall in any manner alter or abridge the provisions of due process established by this section for grievants. The regulations shall include, but not be limited to, the following:

(1) Procedures for the resolution of grievances in accordance with the purposes of this part shall be established by agreement between the Secretary and the organization accorded recognition as the exclusive representative of the officers and employees of the Service. If a grievance is not otherwise resolved under agency procedures within ninety days of presentation, a grievant shall be entitled to file a grievance with the board for its consideration and resolution. For the purposes of the regulations—

(A) "grievant" shall mean any officer or employee of the Service who is a citizen of the United States; or for purposes of subparagraphs (C) and (D), a former officer or employee of the Service; or in the case of death of the officer or employee, a surviving spouse or dependent family member of the officer or employee;

(B) "grievance" shall mean any act or condition subject to the control of the Department of State, United States Information Agency, or the Agency for International Development (hereafter in this part referred to as the foreign affairs agencies, or agencies) which is alleged to deprive the grievant of a right or benefit authorized by law or regulation, or is otherwise a source of concern or dissatisfaction to the grievant; and grievances shall include but not be limited to complaints against separation of an officer or employee allegedly contrary to law or regulation or predicated upon alleged inaccuracy (including inaccuracy resulting from omission of any relevant and material document) or falsely prejudicial character of any part of the grievant's official personnel record; other alleged violation, misinterpretation, or misapplication of applicable law, regulation, or published policy affecting the terms and conditions of the grievant's employment or career status; allegedly wrongful disciplinary action against an employee constituting a reprimand or suspension from official duties; dissatisfaction with any matter subject to the control of the agency with respect to the grievant's physical working environment; alleged inaccuracy, error, or falsely prejudicial material in the grievant's official personnel file; and action alleged to be in the nature of reprisal for an employee's participation in grievance procedures; but grievances shall not include complaints against individual assignments or transfers of Foreign Service officers or employees which are ordered in accordance with law and regulation, judgments of Selection Boards pursuant to section 993 of this title or of equivalent bodies in ranking Foreign Service officers and employees for promotion on the basis of merit or judgments in examinations prescribed by the Board of Examiners pursuant to section 911 or 912 of this title, termination of time limited appointments pursuant to section 1008 of this title and the pertinent regulations prescribed by the employing agency, or any complaints or appeals where a specific statutory appeal procedure exists (other matters not specified in this paragraph may be excluded as grievances only by written agreement of the agencies

and the exclusive representative organization);

(C) except as provided in paragraph (D), when the grievant is a former officer or employee or a surviving spouse or dependent family member of a former officer or employee, "grievance" shall mean a complaint that an allowance or other financial benefit has been denied arbitrarily, capriciously, or contrary to applicable law or regulation;

(D) when the grievant is a former officer who was involuntarily retired pursuant to sections 1003 and 1004 of this title within six years prior to November 29, 1975, "grievance" shall mean a complaint that such involuntary retirement violated applicable law or regulation effective at the time of the retirement or that the involuntary retirement was predicated directly upon material contained in the grievant's official personnel file alleged to be erroneous or falsely prejudicial in character; and

(E) "party" shall mean the grievant or the foreign affairs agency having control over the act or condition forming the subject matter of the grievance.

(2)(A) The board considering and resolving grievances shall be composed of independent, distinguished citizens of the United States, well-known for their integrity, who are not active officers, employees or consultants of the foreign affairs agencies (except as members of the Grievance Board established under 3 Foreign Affairs Manual 660) but may be retired officers or employees. The board shall consist of not less than five members including a Chairman. Membership of the board, selection of the Chairman, and terms of the service of the members shall be determined by the foreign affairs agencies and the organization accorded recognition as the exclusive representative of the officers or employees of the Service in accordance with procedures agreed pursuant to paragraph (1). If the agencies and organization do not agree on membership of the board prior to the effective date of this part, the members shall be chosen by elimination, in equal numbers from a list submitted by the agencies and a list submitted by the organization, and the Chairman shall be chosen, by alternate striking by the agencies and the organization, from a separate list obtained from the Federal Mediation and Conciliation Service. Unless otherwise agreed upon, the term of service shall be two years, renewable. All members of the board shall act as impartial individuals in considering grievances. The board may act by or through panels or individual members designated by the Chairman, except that hearings within the continental United States shall be held by panels of at least three members unless the parties agree otherwise. Members including the Chairman who are not employees of the Federal Government shall receive compensation for each day they are performing their duties as members of the board (including traveltime) at the daily rate paid an individual at GS–18 of the General Schedule under section 5332 of title 5.

(B) In accordance with this part, the board may adopt regulations concerning the organization of the board and such regulations as may be necessary to govern its proceedings. The board may obtain facilities, services and supplies through the general administrative services of the Department of State. All expenses of the board shall be paid out of funds appropriated to the Department for obligation and expenditure by the board. At the request of the board, officers and employees on the rolls of the foreign affairs agencies may be assigned as staff employees for the board. Within the limit of appropriated funds, the board may appoint and fix the compensation of such other employees as the board considers necessary to carry out its functions. The officers and employees so appointed or assigned shall be responsible solely to the board and the board shall prepare the performance evaluation reports for such officers and employees. The records of the board shall be maintained by the board and shall be separate from all other records of the foreign affairs agencies.

(3) A grievance under such regulations is forever barred, and the board shall not consider or resolve the grievance, unless the grievance is presented within a period of three years after the occurrence or occurrences giving rise to the grievance, except that if the grievance arose earlier than two years prior to the date the regulations are first promulgated or placed into effect, the grievance shall be so barred, and not so considered and resolved, unless it is presented within a period of two years after the effective date of the regulations. There shall be excluded from the computation of any such period any time during which the grievant was unaware of the grounds which are the basis of the grievance and could not have discovered such grounds if he or she had exercised, as determined by the board, reasonable diligence.

(4) The board shall conduct a hearing, at the request of a grievant, in any case which involves disciplinary action or a grievant's retirement from the Service under section 1003 of this title or which in the judgment of the board can best be resolved by a hearing or by presentation of oral argument. The grievant, a reasonable number of representatives of the grievant's own choosing, and a reasonable number of representatives of the foreign affairs agency concerned are entitled to be present at the hearing. The board may, after considering the views of the parties and any other individuals connected with the grievance, decide that a hearing should be open to others. Testimony at a hearing shall be given by oath or affirmation, which any board member or person designated by the board shall have authority to administer (and this paragraph so authorizes). Each party (A) shall be entitled to examine and cross-examine witnesses at the hearing or by deposition, and (B) shall be entitled to serve interrogatories upon another party and have such interrogatories answered by the other party unless the board finds such interrogatory irrelevant or immaterial. Upon request of the board, or upon a request of the grievant deemed relevant and material by the board, the foreign affairs agencies shall promptly make available at the hearing or by deposition any witness under the control, supervision, or responsibility of the foreign affairs agencies, except that if the board determines that the presence of such witness at the hearing is required for just resolution of the

grievance, then the witness shall be made available at the hearing.

(5) Any grievant filing a grievance, and any witness or other person involved in a proceeding under the regulations adopted pursuant to paragraph (1), shall be free from any restraint, interference, coercion, harassment, discrimination, or reprisal in those proceedings or by virtue of them. The grievant has the right to a representative of his own choosing at every stage of the proceedings. The grievant and his representatives who are under the control, supervision, or responsibility of the foreign affairs agencies shall be granted reasonable periods of administrative leave to prepare, to be present, and to present the grievance of such grievant. Any witness under the control, supervision, or responsibility of the foreign affairs agencies shall be granted reasonable periods of administrative leave to appear and testify at any such proceeding.

(6) In considering the validity of a grievance, the board (except as provided in paragraph (8)) shall have access, to the extent permitted by law, to any agency record considered by the board to be relevant to the grievant and the subject matter of the grievance.

(7) The agency shall, subject to applicable law, promptly furnish the grievant any agency record which the grievant requests to substantiate his grievance and which the board determines is relevant and material to the proceeding. When deemed appropriate by the board, a grievant may be supplied with only a summary or extract of classified material.

(8) Notwithstanding paragraphs (6) and (7), nothing in this chapter shall be construed to require the disclosure of any official agency record to the board or a grievant where the head of agency or his deputy determines in writing that such disclosure would adversely affect the foreign policy or national security of the United States.

(9) The agencies shall use their best endeavors to expedite security clearances whenever necessary to insure a fair and prompt investigation and hearing.

(10) During any hearings held by the board, any oral or documentary evidence may be received but the board shall exclude any irrelevant, immaterial, or unduly repetitious evidence as determined under section 556 of title 5. A verbatim transcript shall be made of any hearing and shall be part of the record of proceedings. In those grievances in which the board holds no hearing, the board shall offer to each party the opportunity to review and to supplement, by written submissions, the record of proceedings prior to its decision. The board decision shall be based exclusively on the record of proceedings.

(11) If the board determines that the agency is considering any action of the character of separation or termination of the grievant, disciplinary action against the grievant, or recovery from the grievant of alleged overpayment of salary, expenses, or allowances, which is related to a grievance pending before the board, and that such action should be suspended, the agency shall suspend such action until the board has ruled upon such grievance. Other matters not specified in this paragraph may be made subject to suspension of action by the procedures established by agreement under paragraph (1). Notwithstanding such suspension of action, the head of the agency concerned or a chief of mission or principal officer may exclude an officer or employee from official premises or from the performance of specified duties when determined in writing to be essential to the functioning of the post or office to which the employee is assigned.

(12) Upon completion of the hearing or the compilation of such record as the board may find appropriate in the absence of a hearing, the board shall expeditiously decide the grievance on the basis of the record of proceedings. In each case the decision of the board shall be in writing, shall include findings of fact, and shall include the reasons for the board's decision. The grievant shall have access to the record of proceedings including the decision.

(13) If the board finds that the grievance is meritorious, the board shall have authority, within the limitations of the authority of the head of the agency, to direct the agency (A) to correct any official personnel record relating to the grievant which the board finds to be inaccurate or falsely prejudicial; (B) to reverse an administrative decision denying the grievant compensation or any other perquisite of employment authorized by law or regulation when the board finds that such denial was arbitrary, capricious, or contrary to law or regulation; (C) to retain in service an employee whose termination would be in consequence of the matter by which the employee is aggrieved; (D) to reinstate with back pay, under applicable law and regulations, an employee where it is clearly established that the separation or suspension without pay of the employee was unjustified or unwarranted; and (E) to take such other remedial action as may be provided in the procedures agreed pursuant to paragraph (1). Such orders of the board shall be final, subject to judicial review as provided in section 1037c of this title, except that reinstatement of former officers who have filed grievances under paragraph (1)(D) shall be presented as board recommendations, the decision on which shall be subject to the sole discretion of the agency head or his designee who shall take into account the needs of the Service in deciding on such recommendations, and shall not be reviewable under section 1037c of this title.

(14) If the board finds that the grievance is meritorious and that remedial action should be taken that directly relates to promotion or assignment of the grievant or to other remedial action not provided in paragraph (13), or if the board finds that the evidence before it warrants disciplinary action against any officer or employee, it shall make an appropriate recommendation to the head of the agency, and forward to the head of the agency the record of the board's proceedings including the transcript of the hearing if any. The head of the agency (or his designee, who shall not have direct responsibility for administrative management) shall make a written decision on the board's recommendation. A recommendation of the board may be rejected in part or in toto if the action recommended would be contrary to law, would adversely affect the foreign policy or security

of the United States, or would substantially impair the efficiency of the Service. If the decision rejects the recommendation in part or in toto, the decision shall state specifically any and all reasons for such action. Pending the decision, there shall be no ex parte communication concerning the grievance between the agency head (or his designee) and any person involved in the grievance proceeding.

(15) The board shall have authority to insure that no copy of the determination of the agency head or his designee to reject a board recommendation, no notation of the failure of the board to find for the grievant, and no notation that a proceeding is pending or has been held, shall be entered in the personnel records of the grievant (unless by order of the grievance board as a remedy for the grievance) or any other officer or employee connected with the grievance. Nothing contained herein shall prevent the agency from maintaining grievance records under appropriate safeguards to preserve confidentiality.

(16) A grievant whose grievance is found not to be meritorious by the board may obtain reconsideration by the board only upon presenting newly discovered or previously unavailable material evidence not previously considered by the board and then only upon approval of the board.

(Aug. 13, 1946, ch. 957, title VI, § 692, as added Nov. 29, 1975, Pub. L. 94-141, title IV, § 404(a), 89 Stat. 765.)

REFERENCES IN TEXT

The effective date of this part, referred to in par. (2)(A), probably means Nov. 29, 1975, the date of enactment of Pub. L. 94-141.

PROMULGATION OF REGULATIONS AND APPOINTMENT OF BOARD

Section 404(b) of Pub. L. 94-141 provided that: "The Secretary of State shall promulgate and place into effect the regulations required by section 692 of the Foreign Service Act of 1946 [this section] (as added by subsection (a) of this section) and shall establish the board and appoint the members of the board provided for by such section 692, not later than one hundred and twenty days after the date of enactment of this Act [Nov. 29, 1975]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1037c of this title.

§ 1037b. Filing of grievance; relationship to other remedies

(a) A grievant may not file a grievance under this part if he has formally requested, prior to filing a grievance, that the matter or matters which are the basis of the grievance be considered or resolved, and relief provided, under a provision of law, regulation, or Executive order (other than under this part) and the matter has been carried to final decision thereunder on its merits or is still under consideration.

(b) If a grievant is not prohibited from filing a grievance under this part by subsection (a) of this section, he may file a grievance within the jurisdiction of the board under this part notwithstanding the fact that such grievance may be eligible for consideration, resolution, and relief under a regulation or Executive order other than under this part, but such election of remedies shall be final upon the acceptance of jurisdiction by the board.

(Aug. 13, 1946, ch. 957, title VI, § 693, as added Nov. 29, 1975, Pub. L. 94-141, title IV, § 404(a), 89 Stat. 770.)

§ 1037c. Judicial review of regulations and final actions; jurisdiction

Notwithstanding any other provision of law, any aggrieved party may obtain judicial review of regulations promulgated by the Secretary under section 1037a of this title, revisions of such regulations, and final actions of the agency head or the board pursuant to such section, in the District Courts of the United States, in accordance with the standards set forth in chapter 7 of title 5. Section 706 of title 5 shall apply without limitation or exception.

(Aug. 13, 1946, ch. 957, title VI, § 694, as added Nov. 29, 1975, Pub. L. 94-141, title IV, § 404(a), 89 Stat. 770.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1037a of this title.

SUBCHAPTER VII—THE FOREIGN SERVICE INSTITUTE

§ 1041. Establishment of the Institute: orientation and language training

The Secretary shall, in order to furnish training and instruction to officers and employees of the Service and of the Department and to other officers and employees of the Government for whom training and instruction in the field of foreign relations is necessary, and in order to promote and foster programs of study incidental to such training, establish a Foreign Service Institute, hereinafter called the Institute. The Secretary may also provide appropriate orientation and language training to members of family of officers and employees of the Government in anticipation of the assignment abroad of such officers and employees or while abroad. Other agencies of the Government shall wherever practicable avoid duplicating the facilities of the Institute and the training provided by the Secretary at the Institute or elsewhere.

(Aug. 13, 1946, ch. 957, title VII, § 701, 60 Stat. 1018; Sept. 8, 1960, Pub. L. 86-723, § 29, 74 Stat. 837; Sept. 4, 1961, Pub. L. 87-195, pt. IV, § 708(1), 75 Stat. 464.)

AMENDMENTS

1961—Pub. L. 87-195 substituted "provide appropriate orientation and language training to members of family of officers and employees of the Government in anticipation of the assignment abroad of such officers and employees or while abroad" for "provide to the extent that space is available therefor appropriate orientation and language training to spouses of officers and employees of the Government in anticipation of the assignment abroad of such officers and employees".

1960—Pub. L. 86-723 authorized the Secretary to provide orientation and language training of spouses and proscribed duplication of facilities and training.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days

after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

REPEALS

Section 708(1) of Pub. L. 87-195, which amended this section, was repealed by section 401 of Pub. L. 87-565, pt. IV, Aug. 1, 1962, 76 Stat. 263, except insofar as section 708(1) affected this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 2002.

§ 1042. Director; appointment, salary, and duties

The head of the Institute, who shall be known as its Director, shall be appointed by the Secretary. The Director shall, under the general supervision of the Director General and under such regulations as the Secretary may prescribe, establish the basic procedures to be followed by the Institute; plan and provide for the general nature of the training and instruction to be furnished at the Institute; correlate the training and instruction to be furnished at the Institute with the training activities of the Department and other Government agencies and with courses given at private institutions that are designed or may serve to furnish training and instruction to officers and employees of the Service; encourage and foster such programs outside of the Institute as will be complimentary to those of the Institute; and take such other action as may be required for the proper administration of the Institute.

(Aug. 13, 1946, ch. 957, title VII, § 702, 60 Stat. 1018.)

§ 1043. Aid to nonprofit institutions

The Secretary may, within the limits of such appropriations as may be made specifically therefor, make grants or furnish such other gratuitous assistance as he may deem necessary or advisable to nonprofit institutions cooperating with the Institute in any of the programs conducted by the Director by authority of this subchapter.

(Aug. 13, 1946, ch. 957, title VII, § 703, 60 Stat. 1018.)

§ 1044. Appointment or assignment of personnel to faculty or staff; training

(a) Civil service laws and regulations

The Secretary may appoint to the faculty or staff of the Institute on a full- or part-time basis such personnel as he may deem necessary to carry out the provisions of this subchapter in accordance with the provisions of the civil-service laws and regulations and chapter 51 and subchapter III of chapter 53 of title 5, except that, when deemed necessary by the Secretary for the effective administration of this subchapter, personnel may be appointed without regard to such laws and regulations, but any person so appointed shall receive a salary at one of the rates provided by chapter 51 and subchapter III of chapter 53 of title 5. All appointments to the faculty or staff of the Institute shall be made without regard to political affiliations and shall be made solely on the basis of demonstrated interest in, and capacity to promote, the purposes of the Institute.

(b) Officers or employees of Service

The Secretary may, under such regulations as he may prescribe and on a full- or part-time basis, assign or detail officers and employees of the Service to serve on the faculty or staff of the Institute or to receive training at the Institute.

(c) Officers or employees of Department

The Secretary may, under such regulations as he may prescribe and on a full- or part-time basis, assign or detail any officer or employee of the Department, and, with the consent of the head of the Government agency concerned, any other officer or employee of the Government, to serve on the faculty or staff of the Institute, or to receive training. During the period of his assignment or detail, such officer or employee shall be considered as remaining in the position from which assigned.

(d) Recommendations by Director

It shall be the duty of the Director to make recommendations to the Secretary with regard to the appointment, assignment, or detail of persons to serve on the faculty or staff of the Institute, and the Secretary shall in each case take such recommendations into consideration in making such appointments, assignments, or details.

(e) Employment of non-citizens

The Secretary may, under such regulations as he may prescribe, in the absence of suitably qualified United States citizens, employ persons who are not citizens of the United States by appointment to the staff of the Institute either on a full- or part-time basis or by contract for services in the United States or abroad at rates not in excess of those provided by chapter 51 and subchapter III of chapter 53 of title 5.

(f) Incentives for acquisition of special abilities

The Secretary may, under such regulations as he may prescribe, provide special monetary or other incentives not inconsistent with this chapter to encourage Foreign Service personnel to acquire or retain proficiency in esoteric foreign languages or special abilities needed in the Service.

(Aug. 13, 1946, ch. 957, title VII, § 704, 60 Stat. 1018; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; Sept. 8, 1960, Pub. L. 86-723, § 30, 74 Stat. 837.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (a), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

CODIFICATION

In subsecs. (a) and (e), "chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949, as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1960—Subsec. (a). Pub. L. 86-723, § 30(a), specifically provided for the substitution of "1949" for "1923" in two instances, a change already executed in the Code under the general authority provided in the 1949 amendment.

Subsecs. (e), (f). Pub. L. 86-723, § 30(b), added subsecs. (e) and (f).

1949—Subsec. (a). Act Oct. 28, 1949, substituted the "Classification Act of 1949" for the "Classification Act of 1923".

REPEALS

Act Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

ADMINISTRATION OF SERVICE

Administration of Service by Secretary of State and delegation of his authority, see section 811a of this title.

§ 1045. Instruction and education at localities other than the Institute

The Secretary may, under such regulations as he may prescribe, pay the tuition and other expenses of officers and employees of the Service, assigned or detailed in accordance with the provisions of section 963(b) of this title for special instruction or training at or with public or private nonprofit institutions, trade, labor, agricultural, or scientific associations, or commercial firms.

(Aug. 13, 1946, ch. 957, title VII, § 705, 60 Stat. 1019.)

§ 1046. Endowments and gifts

The Secretary may accept, receive, hold, and administer gifts, bequests, or devises of money, securities, or property made for the benefit of, or in connection with, the Foreign Service Institute in accordance with section 809 of this title.

(Aug. 13, 1946, ch. 957, title VII, § 706, 60 Stat. 1019.)

§ 1047. Acquisition of real property

The Secretary may, in the name of the United States, acquire such real property as may be necessary for the operation and maintenance of the Institute and, without regard to section 5 of title 41, such other property and equipment as may be necessary for its operation and maintenance.

(Aug. 13, 1946, ch. 957, title VII, § 707, 60 Stat. 1019.)

SUBCHAPTER VIII—RETIREMENT AND DISABILITY SYSTEM

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 961, 1229, 2385 of this title.

PART A—ESTABLISHMENT OF SYSTEM

§ 1061. Rules and regulations

(a) The President may prescribe rules and regulations for the maintenance of a Foreign Service Retirement and Disability System, originally established by section 21 of this title, referred to in this chapter as the System.

(b) The Secretary shall administer the System in accordance with such rules and regulations and with the principles established by this chapter.

(Aug. 13, 1946, ch. 957, title VIII, § 801, 60 Stat. 1019.)

REFERENCES IN TEXT

Section 21 of this title, referred to in text, was repealed by section 1131 of act Aug. 13, 1946.

INCREASED ANNUITIES

Annuities of annuitants and survivorship annuitants retired prior to Nov. 13, 1950, increased, see sections 1077 and 1078, respectively, of this title.

PROMULGATION OF POLICIES AND REGULATIONS

Secretary of State as the delegate of the President to promulgate policies and regulations governing certain aspects of the Foreign Service Retirement and Disability System, see Ex. Ord. No. 11434, Nov. 8, 1968, 33 F.R. 16485, set out as a note under section 811a of this title.

EXECUTIVE ORDER NO. 9941

Ex. Ord. No. 9941, Mar. 26, 1948, 13 F.R. 1625, which related to the delegation of the President's authority to the Secretary of State, was superseded by Ex. Ord. No. 10897, Dec. 2, 1960, 25 F.R. 12429, set out as a note under this section.

EX. ORD. NO. 10897. SECRETARY OF STATE AUTHORIZED TO PRESCRIBE RULES AND REGULATIONS

Ex. Ord. No. 10897, Dec. 2, 1960, 25 F.R. 12429, provided:

By virtue of the authority vested in me by section 303 of the Foreign Service Act of 1946 (60 Stat. 1002; 22 U.S.C. 843), and section 202 of the Revised Statutes (5 U.S.C. 156) [now section 2656 of this title], it is ordered as follows:

SECTION 1. The Secretary of State is hereby authorized to exercise the following-described authority of the President:

(a) The authority vested in the President by section 801(a) of the Foreign Service Act of 1946 (22 U.S.C. 1061(a)) to prescribe rules and regulations for the maintenance of the Foreign Service Retirement and Disability System.

(b) The authority vested in the President by section 803(c)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1063(c)(1)), to prescribe regulations governing the participation of certain Foreign Service staff officers and employees in the Foreign Service Retirement and Disability System.

(c) The authority vested in the President by section 881(a) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1116(a)), to prescribe regulations governing the deposit of voluntary contributions into the Foreign Service Retirement and Disability Fund.

SEC. 2. Executive Order No. 9941 of March 26, 1948 is hereby superseded.

SEC. 3. This order shall be effective as of October 16, 1960; and the Secretary of State, in his discretion and consistent with law, may make rules and regulations issued pursuant to section 1 hereof effective on or after that date.

DWIGHT D. EISENHOWER.

CROSS REFERENCES

Compensation, when assigned to any Government agency, as subject to this subchapter, see section 961 of this title.

§ 1062. Maintenance of fund

The Secretary of the Treasury shall maintain the special fund, known as the Foreign Service Retirement and Disability Fund, referred to in

this chapter as the Fund, originally constituted by section 21 of this title.

(Aug. 13, 1946, ch. 957, title VIII, § 802, 60 Stat. 1020.)

REFERENCES IN TEXT

Section 21 of this title, referred to in text, was repealed by section 1131 of act Aug. 13, 1946.

§ 1063. Participants

(a) The following persons, referred to in this chapter as participants, shall be entitled to the benefits of the System:

(1) All Foreign Service officers;

(2) All other persons making contributions to the Fund on the effective date of this chapter;

(3) Any chief of mission who is not otherwise entitled to be a participant and who fulfills the conditions of subsection (b) of this section;

(4) All Foreign Service staff officers and employees appointed by the Secretary of State or the Director of the United States Information Agency with unlimited appointments.

(b) A person to become a participant in accordance with the provisions of subsection (a)(3) of this section must—

(1) have served as chief of mission for an aggregate period of twenty years or more, exclusive of extra service credit in accordance with the provisions of section 1093 of this title; and

(2) have paid into the Fund a special contribution for each year of such service in accordance with the provisions of section 1071 of this title.

(Aug. 13, 1946, ch. 957, title VIII, § 803, 60 Stat. 1020; Sept. 8, 1960, Pub. L. 86-723, § 31, 74 Stat. 838; July 12, 1976, Pub. L. 94-350, title V, § 501, 90 Stat. 834.)

AMENDMENTS

1976—Subsec. (a)(4). Pub. L. 94-350, § 501(a), added par. (4).

Subsec. (b)(2). Pub. L. 94-350, § 501(b), substituted reference to "section 1071 of this title" for "section 1092(b) of this title".

Subsec. (c). Pub. L. 94-350, § 501(c), struck out subsec. (c) which provided for conversion to Foreign Service Retirement System, now covered in section 522(a) to (c) of Pub. L. 94-350, set out as a note below.

1960—Subsec. (b)(2). Pub. L. 86-723, § 31(a), substituted "for each year of such service in accordance with the provisions of section 1092(b) of this title" for "equal to 5 per centum of his basic salary for each year of such service with interest thereon to date of payment, compounded annually at 4 per centum".

Subsec. (c). Pub. L. 86-723, § 31(b), added subsec. (c).

EFFECTIVE DATE OF 1976 AMENDMENT

Section 524(b) of Pub. L. 94-350 provided that: "Section 522 of this title and sections 803 and 881 of the Foreign Service Act of 1946, as amended by this title [this section and section 1116 of this title], shall be effective on the first day of the first pay period which begins more than ninety days after the effective date of this title [Oct. 1, 1976 (see section 524(a) of Pub. L. 94-350, set out as a note under section 915 of this title)]."

EFFECTIVE DATE OF 1960 AMENDMENT

Effective date of amendments by Pub. L. 86-723, amending subsec. (b)(2) and adding subsec. (c), see section 56(a), (b)(1), (2) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

CONVERSION TO FOREIGN SERVICE RETIREMENT SYSTEM

Section 522 (a) to (c) of Pub. L. 94-350 provided that:

"(a) In accordance with such regulations as the President may prescribe, all Foreign Service staff officers and employees with unlimited appointments who (1) have been appointed by the Secretary of State or the Director, United States Information Agency, and (2) are participants in the Civil Service Retirement and Disability System on the effective date of this section [see note hereunder], shall be transferred to the Foreign Service Retirement and Disability System effective on such date. Their retirement contributions shall be transferred in accordance with section 811 of the Foreign Service Act of 1946, as amended by this title [section 1071 of this title].

"(b) Mandatory retirement at age sixty as prescribed in section 632 of the Foreign Service Act of 1946, as amended by this title [section 1002 of this title], shall not apply to any Foreign Service staff officer or employee who becomes a participant in the Foreign Service Retirement and Disability System pursuant to subsection (a) of this section until such officer or employee completes ten years of continuous service in the Foreign Service exclusive of military service, in the Department of State or ten years of such continuous service in the United States Information Agency.

"(c) Any Foreign Service staff officer or employee who becomes a participant in the Foreign Service Retirement and Disability System pursuant to subsection (a) of this section who is age fifty-seven or over on the effective date of this section [see note hereunder] may retire voluntarily at any time prior to mandatory retirement and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended by this title [section 1076 of this title]."

Section 522(a) to (c) of Pub. L. 94-350 effective on first day of first pay period which begins more than ninety days after Oct. 1, 1976, see section 524(b) of Pub. L. 94-350, set out as a note under this section.

DELEGATION OF RULE MAKING AUTHORITY

Authority of the President under former subsec. (c)(1) of this section delegated to the Secretary of State, see section 1(b) of Ex. Ord. No. 10897, Dec. 2, 1960, 25 F.R. 12429, set out as a note under section 1061 of this title.

INCREASED ANNUITIES

Annuities of annuitants and survivorship annuitants retired prior to Nov. 13, 1950, increased, see sections 1077 and 1078, respectively, of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 3323.

§ 1064. Definitions

When used in this subchapter unless otherwise specified, the term—

(1) "Annuitant" means any person including a former participant or survivor who meets all requirements for an annuity from the Fund under the provisions of this chapter or any other Act and who has filed claim therefor.

(2) "Surviving spouse" means the surviving wife or husband of a participant or annuitant who, in the case of a death in Service or marriage after retirement, was married to the participant or annuitant for at least two years immediately preceding his or her death or is the parent of a child born of the marriage.

(3) "Child", except in section 1086 of this title, means an unmarried child, under the age of eighteen years, or such unmarried child regardless of age who because of physical or mental disability incurred before age eighteen is incapable of self-support. In addition to the offspring of the participant, such term includes (A) an adopted child, (B) a stepchild or recognized natural child who received more than one-half support from the participant, and (C) a child who lived with and for whom a petition of adoption was filed by a participant, and who is adopted by the surviving spouse of the participant after the latter's death. Such term also includes an unmarried student below the age of twenty-two years. For this purpose a child whose twenty-second birthday occurs before July 1, or after August 31 of a calendar year, and while a student is deemed to have become twenty-two years of age on the first day of July after that birthday.

(4) "Student" means a child regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. A child who is a student shall not be deemed to have ceased to be a student during any interim between school years, semesters, or terms if the interim or other period of nonattendance does not exceed five calendar months and if the child shows to the satisfaction of the Secretary that he or she has a bona fide intention of continuing to pursue such course during the school year, semester, or term immediately following the interim.

(5) "Military and naval service" means honorable active service—

(A) in the Armed Forces of the United States;

(B) in the Regular or Reserve Corps of the Public Health Service after June 30, 1960; or;

(C) as a commissioned officer of the National Oceanic and Atmospheric Administration or predecessor organization after June 30, 1961;

but does not include service in the National Guard except when ordered to active duty in the service of the United States.

(6) "Foreign Service normal cost" means the level percentage of payroll required to be deposited in the Fund to meet the cost of benefits payable under the System (computed in accordance with generally accepted actuarial practice on an entry-age basis) less the value of retirement benefits earned under another retirement system for Government employees and less the cost of credit allowed for military service.

(7) "Fund balance" means the sum of—

(A) the investments of the Fund calculated at par value; and

(B) the cash balance of the Fund on the books of the Treasury.

(8) "Unfunded liability" means the estimated excess of the present value of all benefits payable from the Fund over the sum of—

(A) the present value of deductions to be withheld from the future basic salary of participants and of future agency contributions to be made in their behalf; plus

(B) the present value of Government payments to the Fund under section 1105 of this title; plus

(C) the Fund balance as of the date the unfunded liability is determined.

(9) "Price index" means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(Aug. 13, 1946, ch. 957, title VIII, § 804, 60 Stat. 1020; Apr. 5, 1955, ch. 23, § 13(a), 69 Stat. 27; Sept. 8, 1960, Pub. L. 86-723, § 32, 74 Stat. 838; Feb. 28, 1970, Pub. L. 91-201, title I, § 101, title II, § 201, 84 Stat. 17, 18; July 12, 1976, Pub. L. 94-350, title V, § 502, 90 Stat. 834.)

AMENDMENT OF SECTION BY EXECUTIVE ORDER

Section 2(a) of Ex. Ord. No. 11952, Jan. 7, 1977, 42 F.R. 2293, 4809, set out as a note under section 1065 of this title, purported to amend subsection (b) of this section by striking out "two years" wherever it appears and inserting in lieu thereof "one year".

AMENDMENTS

1976—Par. (1). Pub. L. 94-350, § 502(b), added par. (1) definition of "annuitant" which incorporated provision of former subsec. (a) that annuitants shall be persons who are receiving annuities from the Fund and all persons, including surviving wives and husbands, widows, dependent widowers, children and beneficiaries of participants or annuitants who shall become entitled to receive annuities in accordance with the provisions of this chapter, or in accordance with the provisions of section 1079d of this title.

Par. (2). Pub. L. 94-350, § 502(b), added par. (2) definition of "surviving spouse" which incorporated provisions of former subsec. (b)(1) and (2) defining "widow" as meaning the surviving wife of a participant who was married to such participant for at least two years immediately preceding his death or is the mother of issue by such marriage and "dependent widower" as meaning the surviving husband of a participant who was married to such participant for at least two years immediately preceding her death or is the father of issue by such marriage, and who is incapable of self-support by reason of mental or physical disability, and who received more than one-half of his support from such participant.

Par. (3). Pub. L. 94-350, § 502(b), added par. (3) definition of "child" which incorporated provisions of former subsec. (b)(3) that "child" means an unmarried child under the age of eighteen years, or such unmarried child regardless of age who because of physical or mental disability incurred before age eighteen is incapable of self-support and also includes an adopted child and a step-child or recognized natural child who received more than one-half of his support from the participant.

Pars. (4) to (6). Pub. L. 94-350, § 502(b), added pars. (4) to (6).

Pars. (7) to (9). Pub. L. 94-350, § 502(c), redesignated pars. (4) to (6) of former subsec. (b) as pars. (7) to (9).

1970—Subsecs. (b)(4), (5). Pub. L. 91-201, § 101, added subsecs. (b) (4) and (5).

Subsec. (b)(6). Pub. L. 91-201, § 201, added subsec. (b)(6).

1960—Subsec. (a). Pub. L. 86-723 designated existing provisions as subsec. (a), deleted therefrom "on the effective date of this chapter" following "Fund", substituted therein "and all persons, including surviving wives and husbands, widows, dependent widowers, children and beneficiaries of participants or annuitants who shall become entitled to receive annuities in accordance with the provisions of this chapter, as amended, or in accordance with the provisions of sec-

tion 1079d of this title" for "persons who shall become entitled to receive annuities in accordance with the provisions of sections 914, 1001, 1002, 1004, 1006, 1007, and 1081-1083 of this title, and all widows and beneficiaries of participants who are entitled to receive annuities in accordance with the terms of this subchapter".

Subsec. (b). Pub. L. 86-723 added subsec. (b).

1955—Act Apr. 5, 1955, struck out section "1003".

EFFECTIVE DATE OF 1976 AMENDMENT

Section 524(d) of Pub. L. 94-350 provided that: "The amendment of section 804 of the Foreign Service Act of 1946 [this section] made by this title [section 502(b) and (c) of Pub. L. 94-350] broadening eligibility for children's survivor annuities shall apply to all surviving children regardless of the date of death of the principal."

Section 524(f) of Pub. L. 94-350 provided that: "If an annuitant dies on or after January 8, 1971, who, prior to the effective date of this title, [Oct. 1, 1976 (see section 524(a) of Pub. L. 94-350, set out as a note under section 915 of this title)] elected a reduced annuity with a benefit to a surviving spouse, and is survived by a spouse acquired after such election who qualifies under section 804(2) of the Foreign Service Act of 1946, as amended by this title [par. (2) of this section], such surviving spouse shall be entitled to an annuity computed under the law in effect at the time of such election and in accordance with all other applicable statutes. Such an annuity shall be treated in all other respects in the same manner as an annuity payable under section 821(b) of the Foreign Service Act of 1946, as amended by this title [section 1076(b) of this title]. For purposes of section 882(c)(2) of the Foreign Service Act of 1946, as amended by this title [section 1121(c)(2) of this title], the death of an annuitant who has died before the effective date of this title [Oct. 1, 1976], shall be deemed to have occurred on such effective date [Oct. 1, 1976]."

Section 524(*l*) of Pub. L. 94-350 provided that: "The annuity of a survivor who becomes immediately eligible for an annuity under subsection (c) of section 523 of this title [set out as a note under section 1076 of this title] or subsection (d) or (f) of this section [set out as notes under this section] shall become effective the first day of the first month which begins on or after the effective date of this title [Oct. 1, 1976 (see section 524(a) of Pub. L. 94-350, set out as a note under section 915 of this title)]. However, payment shall be made only after receipt by the Department of State of such application for annuity and such proof of eligibility as the Secretary may require. If such application and proof of eligibility are not submitted during an otherwise eligible person's lifetime, no annuity shall be due or payable to his or her estate."

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1076 of this title.

§ 1065. Authority to maintain existing areas of conformity between Civil Service and Foreign Service Retirement Systems; regulations; Executive orders

(a) In order to maintain existing conformity between the Civil Service Retirement and Disability System and the Foreign Service Retirement and Disability System, whenever (subsequent to January 1, 1974) a law is enacted which affects a provision of general applicability in the Civil Service Retirement and Disability System (subchapter III, chapter 83, title 5) or otherwise affects current or former participants, annuitants, or survivors under that System which, immediately prior to the enactment of such law, had been substantially identical to a corresponding provision of law affecting participants, former participants, annuitants, or survivors under the Foreign Service Retirement and Disability System, such new provision of law shall be deemed to extend to the latter System so that it applies in like manner with respect to such Foreign Service Retirement and Disability System participants, former participants, annuitants, or survivors. The President is authorized by Executive order to prescribe regulations to implement this section and to make such extension retroactive to a date no earlier than the effective date of such provision for the Civil Service Retirement and Disability System.

(b) Any provisions of an Executive order issued under the authority of this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

(1) all provisions of law enacted prior to the effective date of the provision of such Executive order, and

(2) any prior provision of an Executive order issued under authority of this section.

(Aug. 13, 1946, ch. 957, title VIII, § 805, as added July 12, 1976, Pub. L. 94-350, title V, § 503, 90 Stat. 835.)

EFFECTIVE DATE

Section effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

EX. ORD. NO. 11952. CONFORMING THE FOREIGN SERVICE AND CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEMS

Ex. Ord. No. 11952, Jan. 7, 1977, 42 F.R. 2293, 4809, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Section 805 of the Foreign Service Act of 1946, as added by Section 503 of Public Law 94-350 (90 Stat. 835; 22 U.S.C. 1065), and as President of the United States of America, in order to conform the Foreign Service Retirement and Disability System to certain amendments to the Civil Service Retirement and Disability System, it is hereby ordered as follows:

SECTION 1. (a) The enactment (subsequent to January 1, 1974) of the following laws has affected a provision of general applicability in the Civil Service Retirement and Disability System (subchapter III, chapter 83 of Title 5 of the United States Code) or otherwise affected current or former participants, annuitants, or survivors under that System which, immediately prior to the enactment of such laws, had been substantially identical to a corresponding provision of law affecting participants, former participants, annuitants or survivors under the Foreign Service Retirement and Disability System:

(1) Section 1 of Public Law 93-260, approved April 9, 1974 (88 Stat. 76) [section 8341 of Title 5, Government Organization and Employees].

(2) Section 1 of Public Law 93-273, approved April 26, 1974 (88 Stat. 93) [section 8345 of title 5].

(3) Section 2 of Public Law 93-273, approved April 26, 1974 (88 Stat. 93) [set out as notes under sections 8339, 8341 and 8345 of title 5].

(4) Public Law 93-474, approved October 26, 1974 (88 Stat. 1438) [section 8339 of title 5].

(5) Public Law 94-166, approved December 23, 1975 (89 Stat. 1002) [sections 8345 and 8346 of title 5].

(b) The provisions of the laws cited in subsection (a) above are extended, as provided by Section 805 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1065), to the Foreign Service Retirement and Disability System in accordance with the provisions of this Order, which provisions shall modify, supersede, or render inapplicable all inconsistent prior provisions of law.

SEC. 2. (a) In accord with Section 1 of Public Law 93-260, Section 804(b) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1064(b)), is deemed to be amended by striking out "two years" wherever it appears and inserting in lieu thereof "one year". This amendment shall apply only in the cases of participants, former participants, or annuitants who died on or after April 9, 1974 but no annuity shall be paid or recomputed, by virtue of this amendment, for any period prior to May 1, 1974.

(b) In accord with Section 1 of Public Law 93-273, [section 8345 of Title 5, Government Organization and Employees], and notwithstanding any other provision of Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), said Section 821 shall be deemed to be amended to provide for the payment of a minimum annuity as follows:

(1) The monthly rate of an annuity payable, under said Section 821 [section 1076 of this title], to an annuitant, or to a survivor annuitant other than a child, shall not be less than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 *et seq.*).

(2) The monthly rate of an annuity payable, under said Section 821, [section 1076 of this title], to a surviving child shall not be less than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or three times such primary insurance amount divided by the number of surviving children entitled to an annuity, whichever is the lesser.

(3) The provisions of this subsection shall not apply to an annuitant or to a survivor who is or becomes entitled to receive from the United States an annuity or retired pay under any other civilian or military retirement system, benefits under Title II of the Social Security Act (42 U.S.C. 401 *et seq.*), a pension, veteran's compensation, or any other periodic payment of a similar nature, when the monthly rate thereof is equal to or greater than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 *et seq.*).

(4) The provisions of this subsection apply to all annuities, whether commenced before, on, or after August 1, 1974, but no increase in any annuity shall be paid or recomputed under this subsection for any period prior to August 1, 1974.

(c) In accord with Section 2 of Public Law 93-273 [set out as notes under sections 8339, 8341 and 8345 of Title 5, Government Organization and Employees], Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide an increase in annuities, which have been computed on the highest five consecutive years of service, as follows:

(1) An annuity payable to a former participant which is based on a separation occurring prior to October 20, 1969, is increased by $240.00.

(2) In lieu of any increase based on an increase under paragraph (1) of this subsection, an annuity to the surviving spouse of a participant or annuitant which is based on a separation occurring prior to October 20, 1969, is increased by $132.00.

(3) The provisions of this subsection shall not apply to annuities payable under Section 523(c) of Public Law 94-350 (90 Stat. 847, 22 U.S.C. 1076 note), or any similar prior provision of law, to the surviving spouse of a participant or annuitant.

(4) The monthly rate of an annuity resulting from an increase under this subsection shall be considered as the monthly rate of annuity payable under Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), for purposes of computing the minimum annuity as provided in subsection (b) of this Section.

(5) The provisions of this subsection apply to all annuities, whether commenced before, on, or after August 1, 1974, but no increase in any annuity shall be paid or recomputed under this subsection for any period prior to August 1, 1974.

(d) In accord with Public Law 93-474 [section 8339 of Title 5, Government Organization and Employees], Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide for the recomputation of annuities for nonmarried annuitants, as follows:

(1) An annuity which is reduced under Section 821(b)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076(b)(1)), or any similar prior provision of law shall, for each full month during which a retired participant is not married, be recomputed and paid as if the annuity had not been so reduced. Upon remarriage of the retired participant, the annuity shall be reduced by the same percentage reductions which were in effect at the time of retirement or, if such percentage reductions were subsequently adjusted pursuant to law, by the percentage reductions last made pursuant to law.

(2) The provisions of this subsection apply to all annuities, whether commenced before, on, or after November 1, 1974, but no increase in any annuity shall be paid or recomputed under this subsection for any period prior to November 1, 1974.

(e) In accord with Public Law 94-166 [section 8345 and 8346 of Title 5, Government Organization and Employees], Section 864 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1104), is deemed to be amended by adding a subsection (a) and conforming the present Section as subsection (b), to read as follows:

"Sec. 864(a) An individual entitled to an annuity from the Fund may make allotments or assignments of amounts from such annuity for such purposes as the Secretary in his sole discretion considers appropriate.

"(b) None of the moneys mentioned in this title shall be assignable, either in law or equity, except under the provisions of subsection (a) of this Section [subsec. (a) of section 1104 of this title] or Section 634(c) [section 1004(c) of this title], or subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal laws."

GERALD R. FORD.

PART B—CONTRIBUTIONS TO THE FUND

§ 1071. Rate of contribution

(a) Sources; credits to Treasury

Seven per centum of the basic salary received by each participant shall be contributed to the Fund for the payment of annuities, cash benefits, refunds, and allowances. An equal sum shall also be contributed from the respective appropriation or fund which is used for payment of his salary. The amounts deducted and withheld from basic salary together with the amounts so contributed from the appropriation or fund, shall be deposited by the Department of State in the Treasury of the United States to the credit of the Fund.

(b) Consent to deduction

Each participant shall be deemed to consent and agree to such deductions from basic salary, and payment less such deductions shall be a

full and complete discharge and acquittance of all claims and demands whatsoever for all regular services during the period covered by such payment, except the right to the benefits to which he shall be entitled under this chapter, notwithstanding any law, rule, or regulation affecting the individual's salary.

(c) Transfer of contributions from other Government retirement fund

(1) If an officer or employee under another retirement system for Government employees becomes a participant in the system by direct transfer, such officer or employee's total contributions and deposits that would otherwise be refundable on separation including interest accrued thereon, except voluntary contributions, shall be transferred to the Fund effective as of the date such officer or employee becomes a participant in the System. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered prior to becoming a participant in the system.

(2) No officer or employee, whose contributions are transferred to the Fund in accordance with the provisions of subsection (c)(1) of this section, shall be required to make contributions in addition to those transferred, for periods of service for which required contributions were made to the other Government retirement fund, nor shall any refund be made to any such officer or employee on account of contributions made during any period to the other Government retirement fund, at a higher rate than that fixed by subsection (d) of this section.

(d) Special contributions; interest; installment payments

Any participant credited with civilian service after July 1, 1924 (1) for which no retirement contributions, deductions, or deposits have been made, or (2) for which a refund of such contributions, deductions, or deposits has been made which has not been redeposited, may make a special contribution to the Fund equal to the following percentages of basic salary received for such services:

Service:	*Percent of basic salary*
From July 1, 1921, to October 15, 1960, inclusive.	5
From October 16, 1960, to December 31, 1969, inclusive.	6½
On and after January 1, 1970	7

Notwithstanding the foregoing, a special contribution for prior nondeposit service as a National Guard technician which would be creditable under subchapter III, chapter 83, title 5, toward civil service retirement and for which a special contribution has not been made, shall be equal to the special contribution for such service computed in accordance with the above schedule multiplied by the percentage of such service that is creditable under section 1091 of this title. Special contributions shall include interest computed from the midpoint of each service period included in the computation, or from the date refund was paid, to the date of payment of the special contribution or commencing date of annuity, whichever is earlier. Interest shall be compounded at the rate of 4 per centum per annum to December 31, 1976, and at 3 per centum per annum thereafter. No interest shall be charged on special contributions made after the effective date of the Foreign Service Retirement Amendments of 1976 for any period of separation from Government service which began before October 1, 1956. Special contributions may be paid in installments when authorized by the Secretary.

(e) Military and naval service exception

No contributions shall be required for any periods of military or naval service.

(f) Time of payment; offset against initial annuity accruals

A participant or survivor may make a special contribution any time before receipt of annuity and may authorize payment by offset against initial annuity accruals.

(Aug. 13, 1946, ch. 957, title VIII, § 811, 60 Stat. 1020; Aug. 5, 1955, ch. 576, § 10, 69 Stat. 537; Sept. 8, 1960, Pub. L. 86-723, § 33, 74 Stat. 839; Feb. 28, 1970, Pub. L. 91-201, title I, § 102(a), 84 Stat. 17; July 12, 1976, Pub. L. 94-350, title V, § 504, 90 Stat. 836.)

REFERENCES IN TEXT

The Foreign Service Retirement Amendments of 1976, referred to in subsec. (d), is title V of Pub. L. 94-350, July 12, 1976, 90 Stat. 834. For complete classification of Title V to the Code, see Short Title note set out under section 801 of this title and Tables volume.

AMENDMENTS

1976—Subsecs. (c) to (f). Pub. L. 94-350 added subsecs. (c) to (f).

1970—Subsec. (a). Pub. L. 91-201 substituted "Seven" for "Six and one-half".

1960—Subsec. (a). Pub. L. 86-723 designated existing provisions as subsec. (a), increased the rate of contribution to the Fund from five to six and one-half per centum of basic salary and required a sum equal to the employee retirement deductions to be contributed from the appropriations used for salary payments to be deposited along with the employee contributions to the credit of the Fund.

Subsec. (b). Pub. L. 86-723 added subsec. (b).

1955—Act Aug. 5, 1955, designated provisions constituting subsec. (a) as entire section, substituted the words "received by each participant" for the words "of all participants", and repealed subsec. (b) of this section, which provided that basic salaries in excess of $13,500 be treated as $13,500 for the purposes of this subchapter.

EFFECTIVE DATE OF 1976 AMENDMENT

Enactment of subsecs. (c) to (f) by Pub. L. 94-350 effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Section 102(b) of Pub. L. 91-201 provided that: "The amendment made by subsection (a) of this section [amending subsec. (a) of this section] shall become effective on the first day of the first pay period beginning after the date of enactment of this Act [Feb. 28, 1970] or after December 31, 1969, whichever is later."

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723, with respect to a contribution to the Foreign Service Retirement and Disability Fund to be made by the Department, effective July 1, 1961, see section 56(c) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

CONVERSION TO FOREIGN SERVICE RETIREMENT SYSTEM

For transfer of officers and employees from Civil Service Retirement and Disability System, including transfer of retirement contributions, to Foreign Service Retirement System, see section 522(a) to (c) of Pub. L. 94-350, set out as a note under section 1063 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1076, 1086, 1091, 1105, 1111, 2385 of this title.

PART C—COMPUTATION AND PAYMENT OF ANNUITIES

§ 1076. Rate of annuity; election; commencement and termination of payments

(a) Computation

The annuity of a participant shall be equal to 2 per centum of his average basic salary for the highest three consecutive years of service multiplied by the number of years, not exceeding thirty-five, of service credit obtained in accordance with the provisions of sections 1091 and 1093 of this title. However, the highest three years of service shall be used in computing the annuity of any participant who serves as chief of mission and whose continuity of service as such is interrupted prior to retirement by appointment or assignment to any other position determined by the Secretary to be of comparable importance. In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, shall not be counted. The annuity shall be reduced by 10 per centum of any special contribution described in section 1071(d) of this title due for service for which no contributions were made and remaining unpaid unless the participant elects to eliminate the service involved for purposes of annuity computation.

(b) Married participants

(1) Unless elected in writing to the contrary at the time of retirement, any married participant shall receive a reduced annuity and provide a maximum survivor annuity for his or her spouse. Such a participant's annuity or any portion thereof designated in writing by the participant as the base for the survivor benefit shall be reduced by 2½ per centum of the first $3,600 plus 10 per centum of any amount over $3,600. If an annuitant entitled to receive a reduced annuity under this subsection dies and is survived by a spouse, a survivor annuity shall be paid to the surviving spouse equal to 55 per centum of the full amount of the participant's annuity computed under subsection (a) of this section, or by 55 per centum of any lesser amount the annuitant designated at the time of retirement as the base for the survivor benefit.

(2) An annuity payable from the Fund to a surviving spouse shall commence on the day after the annuitant dies and shall terminate on the last day of the month before the survivor's (A) remarriage prior to attaining age sixty, or (B) death. If a survivor annuity is terminated because of remarriage under clause (A) above, it shall be restored at the same rate commencing on the date such remarriage is terminated provided any lump sum paid upon termination of the annuity is returned to the Fund.

(c) Surviving child or children

(1) If an annuitant dies and is survived by a wife or husband and by a child or children, in addition to the annuity payable to the surviving wife or husband, there shall be paid to or on behalf of each child an annuity equal to the smallest of: (i) $900; or (ii) $2,700 divided by the number of children.

(2) If an annuitant dies and is not survived by a wife or husband but by a child or children, each surviving child shall be paid an annuity equal to the smallest of: (i) $1,080; or (ii) $3,240 divided by the number of children.

(d) Recomputation for remaining children

If a surviving wife or husband dies or the annuity of a child is terminated, the annuities of any remaining children shall be recomputed and paid as though such wife, husband, or child had not survived the participant. If the annuity to a surviving child is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities to all currently eligible children in the family were then being initiated.

(e) Payment period for child

The annuity payable to a child under subsection (c) or (d) of this section shall begin on the day after the participant dies or if the child is not then qualified, on the first day of the month in which the child becomes eligible. A child's annuity shall terminate on the last day of the month which precedes the month in which eligibility ceases.

(f) Unmarried participants

At the time of retirement an unmarried participant may elect to receive a reduced annuity and to provide for an annuity equal to 55 per centum of the reduced annuity payable after his or her death to a beneficiary whose name shall be designated in writing to the Secretary. The annuity payable to a participant making such election shall be reduced by 10 per centum of an annuity computed as provided in subsection (a) of this section and by 5 per centum of an annuity so computed for each full five years the person designated is younger than the retiring participant, but such total reduction shall not exceed 40 per centum. No such election of a reduced annuity payable to a beneficiary shall be valid until the participant shall have satisfactorily passed a physical examination as prescribed by the Secretary. The annuity payable to a beneficiary under the provisions of this subsection shall begin on the day after the annuitant dies and shall terminate on the last day of the month preceding the survivor's death.

(g) Marriage after retirement

An annuitant who was married at retirement and who later marries may, within one year after such marriage, irrevocably elect in writing a reduced annuity with benefit to any surviving spouse who qualifies under section 1064(2) of this title. Receipt by the Secretary of notice of an election under this subsection voids prospectively any election previously made under subsection (f) of this section. The reduction in annuity required by an election under this subsection shall be computed and the amount of the survivor annuity shall be determined as if the election were made under subsection (b)(1) of

this section. The annuity reduction or recomputation shall be effective the first day of the month after notice of the election is received by the Secretary.

(h) Entitlement to survivor annuity

A surviving spouse shall not become entitled to a survivor annuity or to the restoration of a survivor annuity payable from the Fund unless the survivor elects to receive it instead of any other survivor annuity to which he or she may be entitled under this or any other retirement system for Government employees.

(i) Reduction of supplemental survivor annuity upon reversion to retired status

Any married annuitant who reverts to retired status with entitlement to a supplemental annuity under section 1111 of this title shall, unless the annuitant elects in writing to the contrary at that time, have the supplemental annuity reduced by 10 per centum to provide a supplemental survivor annuity for his or her spouse. Such supplemental survivor annuity shall be equal to 55 per centum of the annuitant's supplemental annuity and shall be payable to a surviving spouse to whom the annuitant was married at the time of reversion to retired status or to whom the annuitant had been married for at least two years at the time of death or who is the parent of a child born of the marriage.

(Aug. 13, 1946, ch. 957, title VIII, § 821, 60 Stat. 1020; Aug. 5, 1955, ch. 576, § 11, 69 Stat. 537; July 28, 1956, ch. 770, § 9, 70 Stat. 705; Sept. 8, 1960, Pub. L. 86-723, § 34, 74 Stat. 839; Oct. 31, 1965, Pub. L. 89-308, § 9(1), 79 Stat. 1131; Feb. 28, 1970, Pub. L. 91-201, title II, § 202, 84 Stat. 18; July 12, 1976, Pub. L. 94-350, title V, § 505, 90 Stat. 837.)

AMENDMENT OF SECTION BY EXECUTIVE ORDER

Section 2(b) of Ex. Ord. No. 11952, Jan. 7, 1977, 42 F.R. 2293, 4809, set out as a note under section 1065 of this title, purported to amend this section to provide for the payment of a minimum annuity as follows:

(1) The monthly rate of an annuity payable, under said Section 821 [this section], to an annuitant, or to a survivor annuitant other than a child, shall not be less than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 et seq.).

(2) The monthly rate of an annuity payable, under said Section 821 [this section], to a surviving child shall not be less than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 et seq.), or three times such primary insurance amount divided by the number of surviving children entitled to an annuity, whichever is the lesser.

(3) The provisions of this subsection shall not apply to an annuitant or to a survivor who is or becomes entitled to receive from the United States an annuity or retired pay under any other civilian or military retirement system, benefits under Title II of the Social Security Act (42 U.S.C. 401 et seq.), a pension, veterans' compensation, or any other periodic payment of a similar nature, when the monthly rate thereof is equal to or greater than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 et seq.).

(4) The provisions of this subsection apply to all annuities, whether commenced before, on, or after August 1, 1974, but no increase in any annuity shall be paid or recomputed under this subsection for any period prior to August 1, 1974.

Section 2(c) of Ex. Ord. No. 11952, purported to amend this section to provide an increase in annuities, which have been computed on the highest five consecutive years of service, as follows:

(1) An annuity payable to a former participant which is based on a separation occurring prior to October 20, 1969, is increased by $240.00.

(2) In lieu of any increase based on an increase under paragraph (1) of this subsection, an annuity to the surviving spouse of a participant or annuitant which is based on a separation occurring prior to October 20, 1969, is increased by $132.00.

(3) The provisions of this subsection shall not apply to annuities payable under Section 523(c) of Public Law 94-350 (90 Stat. 847, 22 U.S.C. 1076 note), or any similar prior provision of law, to the surviving spouse of a participant or annuitant.

(4) The monthly rate of an annuity resulting from an increase under this subsection shall be considered as the monthly rate of annuity payable under Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), for purposes of computing the minimum annuity as provided in subsection (b) of this Section.

(5) The provisions of this subsection apply to all annuities, whether commenced before, on, or after August 1, 1974, but no increase in any annuity shall be paid or recomputed under this subsection for any period prior to August 1, 1974.

Section 2(d) of Ex. Ord. No. 11952, purported to amend this section to provide for the recomputation of annuities for nonmarried annuitants, as follows:

(1) An annuity which is reduced under Section 821(b)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076(b)(1)), or any similar prior provision of law shall, for each full month during which a retired participant is not married, be recomputed and paid as if the annuity had not been so reduced. Upon remarriage of the retired participant, the annuity shall be reduced by the same percentage reductions which were in effect at the time of retirement or, if such percentage reductions were subsequently adjusted pursuant to law, by the percentage reductions last made pursuant to law.

(2) The provisions of this subsection apply to all annuities, whether commenced before,

on, or after November 1, 1974, but no increase in any annuity shall be paid or recomputed under this subsection for any period prior to November 1, 1974.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-350, § 505(b), struck out ", for which full contributions have been made to the Fund," preceding "multiplied" and such quoted words without the commas preceding "shall be used" and reference to section 1092 of this title and required the annuity to be reduced by 10 per centum of any special contribution described in section 1071(d) of this title due for service for which no contributions were made and remaining unpaid unless the participant elects to eliminate the service involved for purposes of annuity computation.

Subsec. (b)(1). Pub. L. 94-350, § 505(c), substituted provisions for a reduced annuity for a married participant and for a maximum survivor annuity for a spouse unless elected in writing to the contrary at the time of retirement for prior provision for a reduced annuity for a married female participant and a survivor annuity for the husband, increased computation figure from $2,400 to $3,600 and percentage of survivor annuity from 50 to 55, and deleted provision for commencement of annuity of surviving husband on the date following death of married female participant and termination of the annuity upon husband's death, now superseded by subsec. (b)(2) of this section.

Subsec. (b)(2). Pub. L. 94-350, § 505(c), substituted par. (2) provisions for commencement of an annuity to a surviving spouse on the day after the annuitant dies and termination of the annuity on the last day of the month before the survivor's remarriage prior to attaining age sixty or death and for restoration of the survivor annuity, when terminated because of remarriage prior to attaining age sixty, at same rate commencing on date remarriage is terminated provided any lump sum paid upon termination of the annuity is returned to the Fund for prior par. (1) provisions for commencement of annuity of surviving husband on the date following death of married female participant and termination of the annuity upon husband's death; and deleted former par. (2) provisions for a reduction at the time of retirement of the annuity of each married male by $300 to provide for the surviving wife a minimum annuity of $2,400, and in order to provide for the surviving wife up to 50 per centum of the husband's annuity when more than $4,800, for an additional reduction of the husband's annuity by 10 per centum of the difference between $4,800 and the base specified for the survivor benefit, now superseded by subsec. (b)(1) of this section.

Subsec. (d). Pub. L. 94-350, § 505(d), provided that if the annuity to a surviving child is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities to all currently eligible children in the family were then being initiated.

Subsec. (e). Pub. L. 94-350, § 505(e), substituted provision for commencement of the annuity payable to a child on the day after the participant dies or if the child is not then qualified, on the first day of the month in which the child becomes eligible for prior provision for such commencement on the first day of the next month after the participant died and provision for termination of the child's annuity on the last day of the month which precedes the month in which eligibility ceases for prior provision for such termination upon death, marriage, or attainment of the age of eighteen years, except that, if a child was incapable of self-support by reasons of mental or physical disability, the annuity was to terminate only when such child died, married, or recovered from such disability.

Subsec. (f). Pub. L. 94-350, § 505(f), increased to 55 from 50 the percentage of reduced annuity of retired unmarried participant payable to a designated beneficiary and substituted last sentence "The annuity payable to a beneficiary under the provisions of this subsection shall begin on the day after the annuitant dies and shall terminate on the last day of the month preceding the survivor's death." for former last two sentences "The annuity payable to a beneficiary under the provisions of this subsection shall begin on the first day of the next month after the participant dies. Upon the death of the surviving beneficiary all payments shall cease and no further annuity payments authorized under this subsection shall be due or payable."

Subsecs. (g) to (i). Pub. L. 94-350, § 505(g), added subsecs. (g) to (i).

1970—Subsec. (a). Pub. L. 91-201, § 202(a), substituted "three" for "five" each place it appears.

Subsec. (c)(1). Pub. L. 91-201, § 202(b)(1), substituted "(i) $900; or (ii) $2,700 divided by the number of children" for "(i) 40 per centum of the annuitant's average basic salary, as determined under subsection (a) of this section, divided by the number of children; (ii) $600; or (iii) $1,800 divided by the number of children".

Subsec. (c)(2). Pub. L. 91-201, § 202(b)(2), substituted "(i) $1,080; or (ii) $3,240 divided by the number of children" for "(i) 50 per centum of the annuitant's average basic salary, as determined under subsection (a) of this section, divided by the number of children; (ii) $720; or (iii) $2,160 divided by the number of children".

1965—Subsec. (b). Pub. L. 89-308 designated existing provision as par. (1), restricted said par. (1) to married female participants, and added par. (2).

1960—Subsec. (a). Pub. L. 86-723, § 34(a), inserted "of service credit obtained in accordance with the provisions of sections 1091 to 1093 of this title" and substituted "participant who serves" for "Foreign Service officer who serves".

Subsec. (b). Pub. L. 86-723, § 34(a), provided benefits for survivor husband, limited the amount of the survivor annuity to 50 per centum of the amount of the participant's annuity up to the full amount of the annuity specified as the base for survivor benefits (formerly limited to an amount not exceeding 25 per centum of average basic salary or 66⅔ per centum of husband's reduced annuity), provided for percentage reduction of participant's annuity based on specified base for survivor benefits in place of a reduction in annuity, where age of participant is less than age of wife or exceeds her age by not more than eight years, by an amount equal to one-half of the annuity which he elects to have paid to his widow, and where participant exceeds age of wife by more than eight years, by an amount equal to one-half the annuity which he elects to have paid to his widow plus an additional amount equal to 2 per centum of widow's annuity for each year or fraction thereof that the difference in age exceeds eight, and eliminated provision permitting participant to accept a further reduction in his annuity of 5 per centum of the widow's annuity in order to provide for restoration of the full annuity if spouse predeceases the participant.

Subsec. (c). Pub. L. 86-723, § 34(a), added subsec. (c). Provision of former subsec. (c) for termination of annuity payment to child beneficiary upon reaching twenty-one years of age incorporated in subsec. (e); other provisions of former subsec. (c) for election to receive reduced annuity, amount of annuity to beneficiary, termination of payments and physical examination incorporated in subsec. (f).

Subsecs. (d), (e). Pub. L. 86-723, § 34(b), added subsecs. (d) and (e).

Subsec. (f). Pub. L. 86-723, § 34(b), incorporated in subsec. (f) provisions of former subsec. (c) relating to election to receive reduced annuity, amount of the annuity to a beneficiary, termination of payments and physical examinations, added the provision for percentage reduction of participant's annuity and eliminated provisions for an alternative amount of the annuity to a beneficiary equal to deceased participant's reduced annuity payments, requirement that the combined actuarial value of the two annuities on the date of retirement as determined by the Secretary of the Treasury be the same as the actuarial value of the an-

nuity provided by subsection (a) of this section and dispensing with physical examination in case of a child beneficiary.

1956—Subsec. (a). Act July 28, 1956, § 9(a), substituted "Thirty-five" for "thirty" and inserted after the first sentence provision permitting computation for annuity purposes of the highest 5 years of service for officers whose service as chief of mission had been interrupted.

Subsec. (b). Act July 28, 1956, § 9(b), substituted "as computed in accordance with subsection (a) of this section" for "for the five years next preceding his retirement".

1955—Subsec. (a). Act Aug. 5, 1955, struck "not exceeding $13,500 per annum," and "five year next preceding the date of his retirement" preceding "multiplied by", and inserted "highest five consecutive years of service for which full contributions have been made to the fund".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment of subsecs. (a), (b), (d) to (f) and enactment of subsecs. (g) to (i) by Pub. L. 94-350 effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

Section 524(c) of Pub. L. 94-350 provided that: "Effective on the last day of the first month which ends after the effective date of this title [Oct. 1, 1976 (see section 524(a) of Pub. L. 94-350, set out as a note under section 915 of this title)], all Foreign Service survivor annuities, including those then in effect, shall terminate on the last day of a month in accordance with the provisions of subsections (b)(2)(B), (e), and (f) of section 821 of the Foreign Service Act of 1946, as amended by this title [subsecs. (b)(2)(B), (e) and (f) of this section]."

Section 524(e) of Pub. L. 94-350 provided that: "Subsection (g) of section 821 of the Foreign Service Act of 1946, as added by this title [subsec. (g) of this section], shall apply to both present and future Foreign Service annuitants. Any annuitant unmarried at retirement who married after retirement but prior to the effective date of this title [Oct. 1, 1976 (see section 524(a) of Pub. L. 94-350, set out as a note under section 915 of this title)] may make an election under such subsection (g) [subsec. (g) of this section] if notice of the election is received by the Secretary of State within one year after such effective date."

EFFECTIVE DATE OF 1970 AMENDMENT

Section 206(a) of Pub. L. 91-201 provided that: "The amendments made by sections 202(a), 203, and 204 [amending sections 1076(a), 1082, and 1091 of this title, respectively] shall become effective as of October 20, 1969. Such amendments shall not apply to persons retired or otherwise separated prior to such date, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such sections had not been amended by this Act."

Section 206(c) of Pub. L. 91-201 provided that: "The amendments made by section 202(b) [amending subsec. (c) of this section] shall become effective as of November 1, 1969."

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

CONVERSION TO FOREIGN SERVICE RETIREMENT SYSTEM

For transfer of officers and employees from Civil Service Retirement and Disability System, including transfer of retirement contributions, to Foreign Service Retirement System, see section 522(a) to (c) of Pub. L. 94-350, set out as a note under section 1063 of this title.

GRANTS TO CERTAIN WIDOWS AND SURVIVOR ANNUITY ELECTIONS

Section 523 of Pub. L. 94-350 provided that:

"(a) A Foreign Service annuitant who was married at the time of retirement, whose service terminated prior to October 16, 1960, and who has not elected any survivor benefit, may, within one hundred and twenty days after the effective date of this title [Oct. 1, 1976 (see section 524(a) of Pub. L. 94-350, set out as a note under section 915 of this title)], elect a reduction in his or her annuity of $300 per annum and provide a survivor benefit of $2,400 per annum payable to the annuitant's surviving spouse provided the marriage had been in effect for at least two years at the time of death or resulted in the birth of a child. The survivor annuity shall be treated in all respects as if it had been elected under section 821(b) of the Foreign Service Act of 1946, as amended by this title [subsec. (b) of this section].

"(b) An annuitant who makes an election under subsection (a) of this section shall pay into the Foreign Service Retirement and Disability Fund an amount equal to $25 times the number of full months between the commencing date of his or her annuity and the first of the month following receipt of notice of election by the Secretary of State. This amount may be paid into such Fund by deduction from annuity in multiples of $25 per month. The annuity reduction under subsection (a) of this section and the deduction under this subsection shall commence effective the first of the month following receipt of notice of the election by the Secretary of State. The deduction under this subsection shall continue until the required amount has been paid into such Fund or until the annuitant's death, whichever occurs first; and if the latter, any remaining portion of such required amount shall be deemed to have been paid.

"(c) If a Foreign Service annuitant who separated from the Foreign Service prior to October 16, 1960, died before the effective date of this title [Oct. 1, 1976 (see section 524(a) of Pub. L. 94-350, set out as a note under section 915 of this title)], or dies within one hundred and twenty days after such effective date leaving a spouse to whom married at retirement who is not entitled to receive a survivor annuity under the terms of section 8133 of title 5, United States Code, or any law authorizing payment from the Foreign Service Retirement and Disability Fund and who qualifies under section 821(h) of the Foreign Service Act of 1946, as amended by this title [subsec. (h) of this section], the Secretary of State shall grant such surviving spouse, if not remarried prior to age sixty, an annuity, to be payable from such Fund in the amount of $2,400 per annum adjusted by all cost-of-living increases received by widows granted annuities under section 4 of the Act of October 31, 1965 (79 Stat. 1130) [section 1079o of this title]. An annuity to a surviving spouse who remarried prior to age sixty may be initiated or resumed under this subsection in accordance with the provisions of subsections (b) and (h) of section 821 of the Foreign Service Act of 1946, as amended by this title, if such remarriage has terminated or terminates in the future."

Annuity of survivor becoming immediately eligible for annuity under section 523(c) of Pub. L. 94-350 effective first day of first month beginning on or after Oct. 1, 1976, payable only upon receipt of application for annuity during eligible persons lifetime, see section 524(*l*) of Pub. L. 94-350, set out as a note under section 1064 of this title.

SUPPLEMENTAL SURVIVOR ANNUITIES NOT SUBJECT TO SURVIVOR ANNUITY PAYMENT RESTRICTIONS IN RECALL SERVICE CASES

Section 524(g) of Pub. L. 94-350 provided, in part, that: "the restrictions on payment of survivor annuities in subsection (b)(2)(A) and subsection (h) of section 821 of such Act [this section] shall not apply to a supplemental survivor annuity provided under subsection (i) of section 821 or subsection (f) of section 832 of such Act [section 1082 of this title] if the restrictions

do not apply to a basic survivor annuity elected prior to commencement of the recall service."

EXTENSION OF ANNUITY RATES TO SURVIVING CHILDREN

Section 206(d) of Pub. L. 91-201 provided that: "The annuity of each child entitled to receive an annuity under sections 821(c) and 832(c) and (d) of such Act [subsec. (c) of this section and section 1082(c) and (d) of this title], as amended by this Act [Pub. L. 91-201] shall be recomputed, effective as of November 1, 1969, in accordance with section 821 of such Act [this section] as amended by this Act [Pub. L. 91-201]. No increase allowed and in force prior to November 1, 1969, shall be included in the recomputation of any such annuity, and this subsection shall not operate to reduce any annuity."

RECOMPUTATION OF ANNUITY RATES

Section 1112 of act Aug. 13, 1946, provided that: "The Secretary shall cause annuities of all persons who are receiving annuities from the Foreign Service Retirement and Disability Fund on the effective date of this Act [this chapter] to be recomputed in accordance with the provisions of section 821(a) [this section] and annuities payable to such persons shall, commencing on the effective date of this Act [this chapter], be paid at the rate so determined, but no such recomputation or any other action taken pursuant to this Act [this chapter] shall operate to reduce the rate of the annuity received by any such person unless such person voluntarily elects to receive a reduced annuity as provided in section 821(c) [this section]."

INCREASED ANNUITIES

Annuities of annuitants and survivorship annuitants retired prior to Nov. 13, 1950, increased, see sections 1077 and 1078, respectively, of this title.

CROSS REFERENCES

Chief of mission, retirement of Foreign Service officer after termination of services as, see section 914 of this title.

Computation of widow's annuity, following death in service, as prescribed in this section, see section 1082 of this title.

Increased annuities to certain widowers who exercised reduced annuity and restoration clause, see section 1079a of this title.

Recipients of retirement benefits under this section—

Career ambassadors, sixty-five years of age, see section 1001 of this title.

Officers not career ambassadors, sixty years of age, see section 1002 of this title.

Persons entitled to seek voluntary retirement, see section 1006 of this title.

Persons retired due to disability or incapacity, see section 1081 of this title.

Persons separated for unsatisfactory performance of duty, see section 1007 of this title.

Selection-out, see section 1003 of this title.

Selection-out benefits, see section 1004 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 914, 1001, 1002, 1004, 1006, 1007, 1077, 1078, 1079a, 1079e, 1079m, 1081, 1082, 1084, 1091, 1111, 1121, 1229, 2385 of this title.

§ 1076a. Payment of annuity

(a) Commencement of annuity

Except as otherwise provided, the annuity of a former participant who has met the eligibility requirements for annuity shall commence on the day after separation from the Service or on the day after pay ceases. The annuity of a former participant who is entitled to a deferred annuity under section 1084 of this title or under any other section of this chapter shall begin on the day he or she reaches age sixty.

(b) Survivor's annuity; application; proof of eligibility; payment to estate

The annuity to a survivor shall become effective as otherwise specified but shall not be paid until the survivor submits an application therefor supported by such proof of eligibility as the Secretary may require. If such application or proof of eligibility is not submitted during an otherwise eligible person's lifetime, no annuity shall be due or payable to his or her estate.

(c) Waiver; revocation

An individual entitled to annuity from the Fund may decline to accept all or any part of the annuity by submitting a signed waiver to the Secretary. The waiver may be revoked in writing at any time. Payment of the annuity waived may not be made for the period during which the waiver was in effect.

(d) Recovery of overpayments

Recovery of overpayments under this subchapter may not be made from an individual when, in the judgment of the Secretary, the individual is without fault and recovery would be against equity and good conscience or administratively infeasible.

(Aug. 13, 1946, ch. 957, title VIII, § 822, as added July 12, 1976, Pub. L. 94-350, title V, § 506, 90 Stat. 838.)

EFFECTIVE DATE

Section 524(h) of Pub. L. 94-350 provided that: "Subsection (a) of section 822 of the Foreign Service Act of 1946, as added by this title [subsec. (a) of this section], shall be effective on the first day of the first month which begins on or after the effective date of this title [Oct. 1, 1976 (see section 524(a) of Pub. L. 94-350, set out as a note under section 915 of this title)]."

Subsecs. (b) to (d) effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

§ 1077. Increase of annuities of annuitants retired prior to November 13, 1950

Any Foreign Service officer who has retired before November 13, 1950, on annuity under the provisions of the Act of May 24, 1924 (43 Stat. 140), as amended, or under the provisions of this chapter, and who does not come within the purview of section 1078 of this title shall have his annuity increased on July 1, 1952, or on the date such annuity commences, whichever is later, in accordance with the following scale:

(a) By 25 per centum or $300, whichever is the lesser, if retirement took place before November 13, 1946;

(b) By 20 per centum or $240, whichever is the lesser, if retirement took place on or after November 13, 1946, and before November 13, 1947;

(c) By 15 per centum or $180, whichever is the lesser, if retirement took place on or after November 13, 1947, and before November 13, 1948;

(d) By 10 per centum or $120, whichever is the lesser, if retirement took place on or after November 13, 1948, and before November 13, 1949; and

(e) By 5 per centum or $60, whichever is the lesser, if retirement took place on or after November 13, 1949, and before November 13, 1950: *Provided*, That in no case shall an annuity increased under sections 1077 and 1078 of this title exceed the largest annuity payable under subsection (a) of section 1076 of this title.

(May 21, 1952, ch. 315, § 1, 66 Stat. 81.)

REFERENCES IN TEXT

Act of May 24, 1924, as amended, referred to in text, is act May 24, 1924, ch. 182, 43 Stat. 140, as amended, which enacted sections 1, 2, to 12, 14 to 23, 23f to 23j, 40, 99, 812 to 814, 1196, 2654, and 2664 of this title, section 152 of former Title 5, Executive Departments and Government Officers and Employees, and section 577 of former Title 10, Army. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1078, 1079b of this title.

§ 1078. Increase of annuities of survivor annuitants of persons retired prior to November 13, 1950

Any Foreign Service officer who has retired before November 13, 1950, and who has elected or may elect to receive a reduced annuity under the provisions of section 21 of this title or the provisions of section 1076 of this title and section 1112 of the Foreign Service Act of 1946 (60 Stat. 1035), and any widow or other beneficiary of such officer who is receiving or who shall receive a survivorship annuity, shall have the amount of such annuity increased in an amount equal to the percentage differential between the full annuity which the officer would have received prior to the passage of sections 1077 and 1078 of this title if he had elected to take a full annuity and the amount of the increased full annuity provided for in section 1077 of this title. The increase in annuities provided for in this section shall be effective on July 1, 1952, or on the effective date such annuities commence, whichever date is later.

(May 21, 1952, ch. 315, § 2, 66 Stat. 82.)

REFERENCES IN TEXT

Section 21 of this title, referred to in the text, was repealed by section 1131 of act Aug. 13, 1946, ch. 957, title VIII, 60 Stat. 1035.

Section 1112 of the Foreign Service Act of 1946 (60 Stat. 1035), referred to in the text, is set out as a note under section 1076 of this title.

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1077, 1079b of this title.

§ 1079. Increase of annuities of annuitants retired prior to July 1, 1949; effective date of increase

The annuity of an annuitant under the Foreign Service retirement and disability system pursuant to the Act of May 24, 1924 (43 Stat. 140), as amended, or this chapter, shall be increased the first day of the second month following enactment of sections 1079 to 1079f of this title in accordance with the following rules:

If the annuitant was formerly a participant in the system, the annuity to which he is entitled shall be increased $324, provided he retired before July 1, 1949.

(May 1, 1956, ch. 229, § 1, 70 Stat. 125.)

REFERENCES IN TEXT

Act of May 24, 1924 (43 Stat. 140), as amended, referred to in text, is act May 24, 1924, ch. 182, 43 Stat. 140, which enacted sections 1, 2, to 12, 14 to 23, 23f to 23j, 40, 99, 812 to 814, 1196, 2654, and 2664 of this title, section 152 of former Title 5, Executive Departments and Government Officers and Employees, and section 577 of former Title 10, Army. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1079a, 1079b, 1079c, 1079e, 1079f of this title.

§ 1079a. Officers retired before July 1, 1949, who exercised reduced annuity and restoration clause

In the case of an officer who retired before July 1, 1949, and elected a reduced annuity at time of retirement, and who availed himself of the restoration clause in section 1076(b) of this title such officer shall be entitled to receive the increase provided by section 1079 of this title.

(May 1, 1956, ch. 229, § 2, 70 Stat. 125.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1079, 1079b, 1079c, 1079e, 1079f of this title.

§ 1079b. Widowed annuitants

If the annuitant is receiving an annuity on the effective date of sections 1079 to 1079f of this title as the survivor of a former participant in the system who retired before July 1, 1949, the annuity shall be increased in the amount of $324 or in such larger amount as may be necessary to make the total annuity equal to $1,200; except that in no event shall such annuity be increased by any amount in excess of $324 if such increase would result in a total annuity greater than the annuity which such survivor would have been entitled to receive (as determined by the Secretary of State, taking into consideration any generally applicable pay increases but not any in-class increases or possible additional years of service) immediately prior to the effective date of sections 1079 to 1079f of this title if such former participant had retired on November 13, 1950 (the date specified in sections 1077 and 1078 of this title).

(May 1, 1956, ch. 229, § 3, 70 Stat. 125.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

EFFECTIVE DATE

Sections 1079 to 1079f of this title were enacted May 1, 1956. For effective date of increases, see section 1079 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1079, 1079c, 1079e, 1079f of this title.

§ 1079c. Officer's wives who become annuitants subsequent to effective date of sections 1079 to 1079f

If the wife of a Foreign Service officer who retired prior to July 1, 1949, becomes an annuitant subsequent to the effective date of sections 1079 to 1079f of this title, as a result of the election made by the officer at time of retirement, such widow's annuity shall be increased in the amount of $324.

(May 1, 1956, ch. 229, § 4, 70 Stat. 125.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

EFFECTIVE DATE

Sections 1079 to 1079f of this title were enacted May 1, 1956. For effective date of increases, see section 1069 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1079, 1079b, 1079e, 1079f of this title.

§ 1079d. Grants to needy ineligible widows

In any case where a participant under the Foreign Service Retirement and Disability System died before August 29, 1954, leaving a widow who is not entitled to receive an annuity under the System and who is not receiving benefits as a widow under subchapter I of chapter 81 of title 5, the Secretary of State is authorized and directed to grant such widow an annuity of $2,400 per annum.

(May 1, 1956, ch. 229, § 5, 70 Stat. 125; July 12, 1960, Pub. L. 86-612, § 2(a), 74 Stat. 371.)

CODIFICATION

"Subchapter I of chapter 81 of title 5" was substituted for "the Federal Employees' Compensation Act" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

AMENDMENTS

1960—Pub. L. 86-612 conditioned the grant of an annuity to a widow upon her not receiving benefits under the Federal Employees' Compensation Act, dispensed with the requirement that she be in actual need and without other adequate means of support, whether remarried or not, and increased in the allowance from a sum not in excess of $1,200 to a sum of $2,400 per annum.

EFFECTIVE DATE OF 1960 AMENDMENT

Section 2(b) of Pub. L. 86-612 provided that: "The amendment made by this section [to this section] shall take effect on the first day of the first month which begins more than thirty days after the date of enactment of this Act [July 12, 1960]."

CROSS REFERENCES

Increase of annuities, see section 1079g of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1079, 1079b, 1079c, 1079e, 1079f, 1079g of this title.

§ 1079e. Restriction on increases under sections 1079 to 1079f

In no case shall an annuity increased under sections 1079 to 1079f of this title exceed the maximum annuity payable under section 1076(a) or (b) of this title.

(May 1, 1956, ch. 229, § 6, 70 Stat. 125.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1079, 1079b, 1079c, 1079f of this title.

§ 1079f. Reduction of existing annuities barred

No annuity currently payable to any annuitant under the Foreign Service retirement and disability system shall be reduced as a result of the provisions of sections 1079 to 1079f of this title.

(May 1, 1956, ch. 229, § 7, 70 Stat. 125.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1079, 1079b, 1079c, 1079e of this title.

§ 1079g. Increase of annuities for service terminated on or before January 31, 1958

(a) Retired officers

The annuity of each retired officer who, on August 1, 1958, is receiving or entitled to receive an annuity from the Foreign Service Retirement and Disability Fund, based on service which terminated on or before January 31, 1958, shall be increased by 10 per centum.

(b) Needy ineligible widows

The annuity otherwise payable from the Foreign Service Retirement and Disability Fund to—

(1) each survivor annuitant who, on August 1, 1958, is receiving or entitled to receive an annuity based on service which terminated on or before January 31, 1958, and

(2) each person granted an annuity in accordance with section 1079d of this title, shall be increased by 10 per centum.

(c) Effective date

The increases provided by subsections (a) and (b) of this section shall become effective on the first day of the second calendar month following September 2, 1958.

(Pub. L. 85-882, § 1, Sept. 2, 1958, 72 Stat. 1705.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1079j, 1079k of this title.

§ 1079h. Increase of annuities of retired officers for service terminated on or after February 1, 1958; effective date and schedule of increase

The annuity of each retired officer who, on or after August 1, 1958, is receiving or entitled to receive an annuity from the Foreign Service Retirement and Disability Fund, based on service which terminated on or after February 1, 1958, shall be increased effective on the first day of the second calendar month following September 2, 1958 or on the commencing date of annuity, whichever is later, in accordance with the following schedule:

If annuity commences between:	*Annuity shall be increased by*
February 1, 1958 and June 30, 1959	8 per centum
July 1, 1959 and June 30, 1960	6 per centum
July 1, 1960 and June 30, 1961	4 per centum
July 1, 1961 and June 30, 1962	2 per centum

(Pub. L. 85-882, § 2, Sept. 2, 1958, 72 Stat. 1705.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1079j, 1079k of this title.

§ 1079i. Increase of annuities of survivor annuitants for service terminated after February 1, 1958; effective date and schedule of increase

The annuity of any survivor annuitant who, on or after August 1, 1958, is receiving or entitled to receive an annuity from the Foreign Service Retirement and Disability Fund, based on service which terminated on or after February 1, 1958, shall be increased effective on the first day of the second calendar month following September 2, 1958 or on the commencing date of annuity, whichever is later, in accordance with the following schedule:

If annuity commences between:	*Annuity shall be increased by*
February 1, 1958 and June 30, 1959	8 per centum
July 1, 1959 and June 30, 1960	6 per centum
July 1, 1960 and June 30, 1961	4 per centum
July 1, 1961 and June 30, 1962	2 per centum

(Pub. L. 85-882, § 3, Sept. 2, 1958, 72 Stat. 1705.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1079j, 1079k of this title.

§ 1079j. Computation of increase on additional annuities purchased with voluntary contributions as barred

No increase provided by sections 1079g to 1079k of this title shall be computed on any additional annuity purchased with voluntary contributions pursuant to the provisions of section 1116 of this title.

(Pub. L. 85-882, § 4, Sept. 2, 1958, 72 Stat. 1705.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

§ 1079k. Restriction on increases under sections 1079g to 1079k

No annuity of a retired officer shall be increased under any of sections 1079g to 1079k of this title in an amount in excess of $500 per annum. No annuity of a survivor annuitant shall be increased under any of sections 1079g to 1079k of this title in an amount in excess of $250 per annum.

(Pub. L. 85-882, § 5, Sept. 2, 1958, 72 Stat. 1705.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1079j of this title.

§ 1079l. Increase of annuities

(a) Annuitants retired on or before June 30, 1962

The annuity of each person heretofore or hereafter retired who, on or before June 30, 1962, is receiving or entitled to receive an annuity from the Foreign Service Retirement and Disability Fund shall be increased by 10 per centum.

(b) Widows receiving survivor annuities on or before June 30, 1962

The annuity of each widow survivor annuitant who, on or before June 30, 1962, is receiving a survivor annuity from the Foreign Service Retirement and Disability Fund is increased by 10 per centum, or so much in excess thereof as will enable any such widow to receive a minimum annuity of $2,400 per annum.

(c) Computation

No increase provided by this section shall be computed on any additional annuity purchased with voluntary contributions pursuant to the provisions of section 1116 of this title.

(d) Effective date of increases

The increases provided by this section shall take effect on the first day of the first month which begins more than thirty days after July 12, 1960, or on the commencing date of the annuity, whichever is later.

(Pub. L. 86-612, § 1, July 12, 1960, 74 Stat. 371.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

§ 1079m. Adjustment of annuities for service terminated before October 16, 1960

(a) Reduction in annuity to provide for surviving widow; annuitants who have not elected widow survivor benefit; annuitants who have elected widow survivor benefit of less than $2,400

Annuities paid from the Foreign Service retirement and disability fund on October 31, 1965, based on service performed by annuitants which terminated prior to October 16, 1960, shall be adjusted under the provisions of section 1076(b) of this title, as in effect on October 16, 1960, relating to the formula for reduction in annuity to provide for a surviving widow, as though such provisions had been in effect on the date of the annuitant's separation from the Service, or, in the case of any annuitant who

makes an election under paragraph (1) or (2) of this subsection, in accordance with the following:

(1) An annuitant who at time of retirement was married to a wife who is still living (and to whom he is married on October 31, 1965), and for whom he has not elected a widow survivor benefit before October 31, 1965, may, within one hundred and twenty days after October 31, 1965, elect to provide a widow survivor benefit of $2,400 per annum. The annuity of an annuitant who makes an election under this paragraph shall be reduced by $300 per annum.

(2) An annuitant who at time of retirement was married to a wife who is still living (and to whom he is married on October 31, 1965) and for whom he has elected, before October 31, 1965, a widow survivor benefit of less than $2,400 per annum, may, within one hundred and twenty days after October 31, 1965, elect to provide a widow survivor benefit of $2,400 per annum. The annuity of an annuitant who makes an election under this paragraph shall be reduced by $300 per annum in lieu of any reductions of his annuity in effect on October 31, 1965, because of elections made by him before October 31, 1965, in connection with the provision of a widow survivor annuity.

(b) Surviving widow's benefit upon death of annuitant who has failed to make election

If an annuitant referred to in paragraph (a)(1) or (a)(2) of this section dies within one hundred and twenty days after October 31, 1965, without having made an election under such paragraph (a)(1) or (a)(2), his surviving widow shall be paid the greater of—

(1) $2,400; or

(2) the annuity to which she may be entitled from the Foreign Service retirement and disability fund as his widow under any provision of law in effect on the date of the death of the annuitant.

(c) Payments into Fund; amount; installments

Notwithstanding the foregoing provisions of this section, each annuitant who makes an election under paragraph (1) of subsection (a) of this section shall pay into the Foreign Service retirement and disability fund an amount equal to the amount by which (A) the total annuity received by the annuitant prior to the effective date of any adjustment in his annuity pursuant to such election exceeds (B) the total annuity which he would have received prior to such date had he elected a survivor annuity of $2,400 per annum at the time of such retirement. The Secretary of State may permit the payment required by this subsection to be made in installments of not less than $25 per month.

(Pub. L. 89-308, § 2, Oct. 31, 1965, 79 Stat. 1129.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1079q, 1079r, 1079s of this title.

§ 1079n. Benefit of surviving widow of annuitant whose service terminated before October 16, 1960, and who has elected deferred annuity and dies before becoming eligible

If a former participant whose service as a class 4 Foreign Service officer was terminated prior to October 16, 1960, and who elected a deferred annuity, dies before becoming eligible to receive an annuity, the benefit of the surviving widow, if she was eligible under the terms of the law in effect upon his separation from the Service, shall not be less than $2,400 per annum.

(Pub. L. 89-308, § 3, Oct. 31, 1965, 79 Stat. 1130.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1079q of this title.

§ 1079o. Benefit of surviving widow of annuitant who retired before October 16, 1960, and who dies before October 31, 1965

In any case in which an annuitant who retired prior to October 16, 1960, dies before October 31, 1965, leaving a widow to whom he was married at time of retirement who is not entitled to receive an annuity under the Foreign Service retirement and disability system, and who is not receiving benefits as a widow under subchapter I of chapter 81 of title 5, the Secretary of State shall grant such widow, whether remarried or not, an annuity of $2,400 per annum.

(Pub. L. 89-308, § 4, Oct. 31, 1965, 79 Stat. 1130.)

CODIFICATION

"Subchapter I of chapter 81 of title 5" was substituted for "the Federal Employees' Compensation Act" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

Section was not enacted as part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1079q, 1079r, 1079s of this title.

§ 1079p. Increase of annuity for widows receiving less than $2,400

The annuity of each widow survivor annuitant who, on October 31, 1965, is receiving a survivor annuity from the Foreign Service retirement and disability fund of less than $2,400 per annum is hereby increased to $2,400 per annum

(Pub. L. 89-308, § 5, Oct. 31, 1965, 79 Stat. 1131.)

CODIFICATION

Section was not enacted as part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1079q, 1079r, 1079s of this title.

§ 1079q. Annuity benefits of widows under sections 1079m to 1079p of this title in lieu of any other benefits

The annuity benefits elected or provided with respect to any widow under sections 1079m, 1079n, 1079o, or 1079p of this title shall be in lieu of any annuity benefits to which such widow otherwise would be entitled as the widow of the Foreign Service officer with respect to whom such annuity benefits are so elected or provided.

(Pub. L. 89-308, § 6, Oct. 31, 1965, 79 Stat. 1131.)

CODIFICATION

Section was not enacted as part of the "Foreign Service Act of 1946" which comprises this chapter.

§ 1079r. Effective date of increases, adjustments, or grants of annuity; monthly rate

Any increase, adjustment, or grant of an annuity under section 1079m, 1079o, or 1079p of this title shall commence on the first day of the month following the expiration of the one-hundred-and-twenty-day period beginning on October 31, 1965, and the monthly rate payable shall be fixed at the nearest dollar.

(Pub. L. 89-308, § 7, Oct. 31, 1965, 79 Stat. 1131.)

CODIFICATION

Section was not enacted as part of the "Foreign Service Act of 1946" which comprises this chapter.

§ 1079s. Payments of annuity benefits from Foreign Service Retirement and Disability Fund

Annuity benefits provided by this Act shall be paid from the Foreign Service retirement and disability fund; except that, no part of such fund shall be applied toward the payment of any benefits under section 1079m, 1079o, or 1079p of this title until an appropriation is made to such fund in an amount which the Secretary of the Treasury estimates to be necessary to prevent an increase in the unfunded liability to such fund for the first fiscal year during which such benefits are payable.

(Pub. L. 89-308, § 8, Oct. 31, 1965, 79 Stat. 1131.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 89-308, Oct. 31, 1965, 79 Stat. 1129, known as the Foreign Service Annuity Adjustment Act of 1965, which amended sections 1076 and 1082 of this title, enacted sections 1079m to 1079s and 1121 of this title, and enacted provisions set out as a note under section 801 of this title. For complete classification of this Act to the Code, see Short Title note under section 801 of this title and Tables volume.

CODIFICATION

Section was not enacted as part of the "Foreign Service Act of 1946" which comprises this chapter.

PART D—BENEFITS ACCRUING TO CERTAIN PARTICIPANTS

§ 1081. Retirement due to disability or incapacity

(a) Causes; service credit

Any participant who has five years of service credit toward retirement under the System, excluding military or naval service, and who becomes totally disabled or incapacitated for useful and efficient service by reason of disease, illness, or injury not due to vicious habits, intemperance, or willful misconduct on his part, shall, upon his own application or upon order of the Secretary, be retired on an annuity computed as prescribed in section 1076 of this title. If the disabled or incapacitated participant has less than twenty years of service credit toward his retirement under the System at the time he is retired, his annuity shall be computed on the assumption that he has had twenty years of service, but the additional service credit that may accrue to a participant under this provision shall in no case exceed the difference between his age at the time of retirement and the mandatory retirement age applicable to his class in the Service.

(b) Physical examination; reinstatement or reappointment upon recovery; duration and suspension of payments

In each case, the participant shall be given a physical examination by one or more duly qualified physicians or surgeons designated by the Secretary to conduct examinations, and disability shall be determined by the Secretary on the basis of the advice of such physicians or surgeons. Unless the disability is permanent, like examinations shall be made annually until the annuitant has reached the statutory mandatory retirement age for his class in the Service. If the Secretary determines, on the basis of the advice of one or more duly qualified physicians or surgeons conducting such examinations that an annuitant has recovered to the extent that he can return to duty, the annuitant may apply for reinstatement or reappointment in the Service within one year from the date his recovery is determined. Upon application the Secretary shall reinstate any such recovered disability annuitant in the class in which he was serving at time of retirement, or the Secretary may, taking into consideration the age, qualifications, and experience of such annuitant, and the present class of his contemporaries in the Service, appoint him or, in the case of an annuitant who is a former Foreign Service officer, recommend that the President appoint him, by and with the advice and consent of the Senate, to a class higher than the one in which he was serving prior to retirement. Payment of the annuity shall continue until a date six months after the date of the examination showing recovery or until the date of reinstatement or reappointment in the Service, whichever is earlier. Fees for examinations under this provision, together with reasonable traveling and other expenses incurred in order to submit to examination, shall be paid out of the Fund. If the annuitant fails to submit to examination as required under this section, payment of the annuity shall be suspended until continuance of the disability is satisfactorily established.

(c) Benefits upon discontinuance of annuity

If a recovered disability annuitant whose annuity is discontinued is for any reason not reinstated or reappointed in the Service, he shall be considered to have been separated within the meaning of section 1084 of this title as of the date he was retired for disability and he shall, after the discontinuance of the disability annuity, be entitled to the benefits of that section or

of section 1086 of this title except that he may elect voluntary retirement in accordance with the provisions of section 1006 of this title if he can qualify under its provisions.

(d) Election of benefits; concurrent benefits

No participant shall be entitled to receive an annuity under this chapter and compensation for injury or disability to himself or herself under subchapter I of chapter 81, title 5, covering the same period of time except that a participant may simultaneously receive both an annuity under this section and scheduled disability payments under section 8107 of title 5. This provision shall not bar the right of any claimant to the greater benefit conferred by either this chapter or such subchapter for any part of the same period of time. Neither this provision nor any provision of such subchapter shall be so construed as to deny the right of any participant to receive an annuity under this chapter and to receive concurrently any payment under such subchapter by reason of the death of any other person.

(e) Reimbursement of Federal Employees' Compensation Fund

Notwithstanding any provision of law to the contrary, the right of any person entitled to an annuity under this chapter shall not be affected because such person has received an award of compensation in a lump sum under section 8135 of title 5 except that where such annuity is payable on account of the same disability for which compensation under such section has been paid, so much of such compensation as has been paid for any period extended beyond the date such annuity becomes effective, as determined by the Secretary of Labor, shall be refunded to the Department of Labor, to be paid into the Federal Employees' Compensation Fund. Before such person shall receive such annuity he shall (1) refund to the Department of Labor the amount representing such computed payments for such extended period, or (2) authorize the deduction of such amount from the annuity payable to him under this chapter, which amount shall be transmitted to such Department for reimbursement to such Fund. Deductions from such annuity may be made from accrued and accruing payments, or may be prorated against and paid from accruing payments in such manner as the Secretary of Labor shall determine, whenever he finds that the financial circumstances of the annuitant are such as to warrant such deferred refunding.

(Aug. 13, 1946, ch. 957, title VIII, § 831, 60 Stat. 1021; Sept. 8, 1960, Pub. L. 86-723, § 35, 74 Stat. 840; July 12, 1976, Pub. L. 94-350, title V, § 507, 90 Stat. 839.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-350, § 507(1), struck out "that is credited in accordance with provisions of section 1091 or 1092(a)(2) of this title" following "military or naval service".

Subsec. (c). Pub. L. 94-350, § 507(2) substituted section "1086" for "1086(a)" of this title.

Subsec. (d). Pub. L. 94-350, § 507(3), inserted "or herself" after "himself" and exception provision allowing a participant to simultaneously receive both an annuity under this section and scheduled disability payments under section 8107 of title 5, deleted the phrase "by reason of his own services" preceding "and to receive concurrently", and substituted references to subchapter I of chapter 81, title 5 [Government Organization and Employees] and to such subchapter for prior references to the Federal Employees' Compensation Act of September 7, 1916, as amended, and to Act of September 7, 1916, as amended, formerly classified principally to chapter 15 of prior Title 5, Executive Departments and Government Officers and Employees.

Subsec. (e). Pub. L. 94-350, § 507(4), substituted "section 8135 of title 5 [Government Organization and Employees]" for "section 14 of the Act of September 16, 1916, as amended", formerly classified to section 764 of prior Title 5, Executive Departments and Government Officers and Employees.

1960—Subsec. (a). Pub. L. 86-723, § 35(a), prohibited inclusion of credit for military service in the five-year period of service, provided for incapacity by illness and limited additional service credit.

Subsec. (b). Pub. L. 86-723, § 35(a), authorized the reinstatement or reappointment of a disability annuitant who recovers to such an extent that he may return to duty, clarified the authority of the Secretary to designate physicians or surgeons to make the necessary examinations upon which the disability retirement is determined, provided for continuance of payment of annuity until six months after date of examination showing recovery or until date of reinstatement or reappointment, whichever is the earlier, instead of termination from date of examination showing recovery, and suspension of annuity payments for failure to submit to examination.

Subsec. (c). Pub. L. 86-723, § 35(a), substituted provisions for separation from Service and entitlement to benefits of provisions relating to discontinued service retirement, return of contributions or voluntary retirement for provisions respecting return of balance of contributions to Fund upon discontinuance of annuity.

Subsecs. (d), (e). Pub. L. 86-723, § 35(b) added subsecs. (d) and (e).

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment of subsecs. (a), (c) to (e) by Pub. L. 94-350 effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

INCREASED ANNUITIES

Annuities of annuitants and survivorship annuitants retired prior to Nov. 13, 1950, increased, see sections 1077 and 1078, respectively, of this title.

CROSS REFERENCES

Income tax, exclusion from gross income of amounts received as a disability annuity payable under provisions of this section, see section 104 of Title 26, Internal Revenue Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1158 of this title; title 26 section 104.

§ 1082. Death in service; annuities

(a) Payment of lump-sum credit

If a participant dies and no claim for annuity is payable under the provisions of this chapter, the lump-sum credit shall be paid in accordance with section 1086 of this title.

(b) Surviving spouse

If a participant who has at least eighteen months of civilian service credit toward retire-

ment under the system dies before separation or retirement from the Service and is survived by a spouse, such surviving spouse shall be entitled to an annuity equal to 55 per centum of the annuity computed in accordance with the provisions of subsection (e) of this section and of section 1076(a) of this title and if the participant had less than three years creditable civilian service at the time of death, the survivor annuity shall be computed on the basis of the average salary for the entire period of such service.

(c) Surviving spouse and children

If a participant who has at least eighteen months of civilian service credit toward retirement under the system dies before separation or retirement from the Service and is survived by a wife or a husband and a child or children, each surviving child shall be entitled to an annuity computed in accordance with subsections (c)(1) and (d) of section 1076 of this title.

(d) Surviving children

If a participant who has at least eighteen months of civilian service credit toward retirement under the system dies before separation or retirement from the Service and is not survived by a wife or husband, but by a child or children, each surviving child shall be entitled to an annuity computed in accordance with subsections (c)(2) and (d) of section 1076 of this title.

(e) Service credit

If, at the time of his or her death, the participant had less than twenty years of service credit toward retirement under the System, the annuities payable in accordance with subsection (b) of this section shall be computed in accordance with the provisions of section 1076 of this title on the assumption he or she has had twenty years of service, but the additional service credit that many accrue to a deceased participant under this provision shall in no case exceed the difference between his or her age on the date of death and the mandatory retirement age applicable to his or her class in the Service. In all cases arising under subsections (b), (c), (d), or (e) of this section, it shall be assumed that the deceased participant was qualified for retirement on the date of his death.

(f) Recall service

If an annuitant who elected a reduced annuity dies in service after being recalled under section 915(b) of this title and is survived by a spouse entitled to a survivor annuity based on such an election, such survivor annuity shall be computed as if the recall service had otherwise terminated on the day of death and the deceased's annuity had been resumed in accordance with section 1111 of this title. If such a death occurs after the annuitant had completed sufficient recall service to attain eligibility for a supplemental annuity, a surviving spouse, in addition to any other benefits, shall be entitled to elect, in lieu of a refund of retirement contributions made during the recall service, a supplemental survivor annuity computed and paid under section 1076(i) of this title as if the recall service had otherwise terminated. If the annuitant had completed sufficient recall service to attain eligibility to have his or her annuity determined anew, a surviving spouse may elect, in lieu of any other benefit under this title, to have the annuitant's rights redetermined and to receive a survivor annuity computed under subsection (b) of this section on the basis of the annuitant's total service.

(g) Commencement, termination, and resumption of annuities

Annuities that become payable under this section shall commence, terminate, and be resumed in accordance with subsection (b)(2), (e), or (h) of section 1076 of this title as appropriate.

(Aug. 13, 1946, ch. 957, title VIII, § 832, 60 Stat. 1022; Sept. 8, 1960, Pub. L. 86-723, § 36, 74 Stat. 842; Oct. 31, 1965, Pub. L. 89-308, § 9(2), 79 Stat. 1131; Feb. 28, 1970, Pub. L. 91-201, title II, § 203, 84 Stat. 18; July 12, 1976, Pub. L. 94-350, title V, § 508, 90 Stat. 839.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-350, § 508(a), substituted provision for payment of a lump-sum credit in accordance with section 1086 of this title for prior provision for payment of deceased participant's contributions to the Fund, with interest at rates prescribed in sections 1086(a) and 1116(a) of this title, in the order of precedence shown in section 1086(b) of this title.

Subsec. (b). Pub. L. 94-350, § 508(a), substituted, where first appearing, "civilian service credit" for "service credit" and "system" for "System", deleted following such word", excluding military or naval service that is credited in accordance with the provisions of section 1091 or 1092(a)(2) of this title,", substituted "survived by a spouse, such surviving spouse shall be entitled to an annuity equal to 55 per centum of the annuity" for "survived by a widow or a dependent widower, as defined in section 1064 of this title, such widow or dependent widower shall be entitled to an annuity equal to 50 per centum of the annuity", and deleted provision prescribing a sum not less than $2,400 as the annuity of a widow and last sentence "The annuity of such widow or dependent widower shall commence on the date following death of the participant and shall terminate upon death of the widow or dependent widower, or upon the dependent widower's becoming capable of self-support.", now provided for in subsec. (g) of this section.

Subsec. (c). Pub. L. 94-350, § 508(a), substituted "civilian service credit" for "service credit" and "system" for "System", deleted following such word ", excluding military or naval service that is credited in accordance with the provisions of section 1091 or 1092(a)(2) of this title,", included computation of the annuity under section 1076(d) of this title, deleted next to last sentence "The child's annuity shall begin and be terminated in accordance with the provisions of section 1076(e) of this title.", now provided for in subsec. (g) of this section, and deleted last sentence "Upon the death of the surviving wife or husband or termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though such wife or husband or child had not survived the participant.", the provision being covered in section 1076(d) of this title.

Subsec. (d). Pub. L. 94-350, § 508(a), substituted "civilian service credit" for "service credit" and "system" for "System", deleted following such word ", excluding military or naval service that is credited in accordance with the provisions of section 1091 or 1092(a)(2) of this title,", included computation of the annuity under section 1076(d) of this title, deleted next to last sentence "The child's annuity shall begin and terminate in accordance with the provisions of section 1076(e) of this title.", now provided for in subsec. (g) of this section, and deleted last sentence "Upon termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though that

child had never been entitled to the benefit.", the provision being covered in section 1076(d) of this title.

Subsecs. (f), (g). Pub. L. 94-350, § 508(b), added subsecs. (f) and (g).

1970—Subsec. (b). Pub. L. 91-201, § 203(a), substituted "eighteen months" for "five years" and provided that if the participant under this chapter had less than three years creditable civilian service at the time of death, the survivor annuity shall be computed on the basis of the average salary for the entire period of such service.

Subsec. (c). Pub. L. 91-201, § 203(b), substituted "eighteen months" for "five years".

Subsec. (d). Pub. L. 91-201, § 203(b), substituted "eighteen months" for "five years".

1965—Subsec. (b). Pub. L. 89-308 inserted "except that the annuity of any widow shall not be less than $2,400".

1960—Pub. L. 86-723 amended section generally, and among other changes, incorporated the provisions of former first sentence pertaining to payment of contributions to legal representatives upon failure to establish a valid claim for annuity in subsec. (a), of former second sentence pertaining to payment of an annuity to widow under a reduced joint and survivorship annuity in absence of an election for return of deductions in subsec. (b), and of former third sentence making an assumption of twenty years service in the computation of widow's annuity in subsec. (e), prohibited inclusion of credit for military service in the five year period of service, provided for survivor benefits for dependent widower and children, computation, recomputation and termination of annuity, limited additional service credit and established presumption of qualification for retirement.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment of subsecs. (a) to (d) and enactment of subsecs. (f) and (g) by Pub. L. 94-350 effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

Restrictions on payment of survivor annuities in sections 1076(b)(2)(A) and (h) of this title not applicable to a supplemental survivor annuity provided for under subsec. (f) of this section if the restrictions not applicable to a basic survivor annuity elected prior to commencement of the recall service, see section 524(g) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-201 to become effective as of Oct. 20, 1969, but not applicable to persons retired or otherwise separated prior to such date, the rights of such persons and their survivors to be continued in the same manner and to the same extent as if such section had not been amended by Pub. L. 91-201, see section 206(a) of Pub. L. 91-201, set out as an Effective Date of 1970 Amendment note under section 1076 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

EXTENSION OF ANNUITY RATES TO SURVIVING CHILDREN

Recomputation of annuity rates for surviving children entitled to receive an annuity under subsecs. (c) and (d) of this section, see section 206(d) of Pub. L. 91-201, set out as a note under section 1076 of this title.

REPAYMENT TO FUND OF LUMP SUM REFUND OF CONTRIBUTIONS MADE TO SURVIVORS OF A PARTICIPANT WHO DIES DURING THE RETROACTIVE PERIOD

Section 206(b) of Pub. L. 91-201 provided that: "Any lump sum payment of contributions and interest made pursuant to section 832(a) of such Act [subsec. (a) of this section] because of the death of a participant shall be repaid to the Fund, or arrangements satisfactory to the Secretary of State made for such repayment, before any annuity authorized by the amendments made by section 203 [amending subsecs. (b), (c), and (d) of this section] shall be paid to any survivor of such participant."

CROSS REFERENCES

Death of officer, electing to receive retirement benefits before reaching sixty, as death in service, see section 1004 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1004, 1121 of this title.

§ 1083. Repealed. Pub. L. 94-350, title V, § 516, July 12, 1976, 90 Stat. 845

Section, act Aug. 13, 1946, ch. 957, title VIII, § 833, 60 Stat. 1022, provided for retirement of non Foreign Service officers and chiefs of missions.

EFFECTIVE DATE OF REPEAL

Section repealed effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

§ 1084. Discontinued service retirement

Any participant who voluntarily separates from the Service after obtaining at least five years of service credit toward retirement under the System, excluding military or naval service may, upon separation from the Service or at any time prior to becoming eligible for an annuity, elect to have his contributions to the Fund returned to him in accordance with the provisions of section 1086 of this title, or to leave his contributions in the Fund and receive an annuity, computed as prescribed in section 1076 of this title, commencing at the age of sixty years.

(Aug. 13, 1946, ch. 957, title VIII, § 834, as added Sept. 8, 1960, Pub. L. 86-723, § 37, 74 Stat. 842, and amended July 12, 1976, Pub. L. 94-350, title V, § 509, 90 Stat. 840.)

AMENDMENTS

1976—Pub. L. 94-350 struck out: subsec. (a) designation for the text, the words "that is credited in accordance with the provisions of section 1091 or 1092(a)(2) of this title" following "military or naval service" and subsec. (b) provisions for payment under sections 1086 and 1116 of this title of contributions to the Fund of a participant qualifying to receive a deferred annuity commencing at age of sixty, but dying before reaching such age, with interest thereon.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment of section by Pub. L. 94-350 effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

EFFECTIVE DATE

Section effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1076a, 1081, 1121 of this title.

PART E—LUMP-SUM PAYMENTS

AMENDMENTS

1976—Pub. L. 94-350, title V, § 510, July 12, 1976, 90 Stat. 840 substituted "LUMP-SUM PAYMENTS" for "DISPOSITION OF CONTRIBUTIONS AND INTEREST" as PART E heading.

§ 1086. Lump-sum credit; separation from service

(a) Definition

"Lump-sum credit" as used in this subchapter means the compulsory and special contributions to a participant's or former participant's credit in the Fund plus interest thereon compounded at 4 per centum per annum to the date of separation or December 31, 1976, whichever is earlier, and after such date for a participant who separates from the Service after completing at least one year of civilian service and before completing five years of such service, at the rate of 3 per centum per annum to the date of separation. Interest shall not be paid for a fractional part of a month in the total service or on compulsory and special contributions from an annuitant for recall service or other service performed after the date of separation which forms the basis for annuity.

(b) Non-eligibility for annuity or deferred annuity

Whenever a participant becomes separated from the Service without becoming eligible for an annuity or a deferred annuity in accordance with the provisions of this chapter, the lump-sum credit shall be paid to the participant.

(c) Recall service; return of contributions

Whenever an annuitant becomes separated from the Service following a period of recall service without becoming eligible for a supplemental or recomputed annuity under section 1111 of this title, the annuitant's compulsory contributions to the Fund for such service together with any special contributions the annuitant may have made for other service performed after the date of separation from the Service which forms the basis for annuity, shall be returned.

(d) Difference between annuity and lump-sum credit

If all annuity rights under this subchapter based on the service of a deceased participant or annuitant terminate before the total annuity paid equals the lump-sum credit, the difference shall be paid in the order of precedence shown in subsection (g) of this section.

(e) Lack of eligible survivors

If a participant or former participant dies and is not survived by a person eligible for an annuity under this subchapter or by such a person or persons all of whose annuity rights terminate before a claim for survivor annuity is filed, the lump-sum credit shall be paid in accordance with subsection (g) of this section.

(f) Death of annuitant who was former participant

If an annuitant who was a former participant dies, annuity accrued and unpaid, shall be paid in accordance with subsection (g) of this section.

(g) Order of precedence for payments

Payments authorized in subsections (d) through (f) of this section shall be paid in the following order of precedence to such person or persons surviving the participant and alive on the date entitlement to the payment arises, upon the establishment of a valid claim therefor, and such payment shall be a bar to recovery by any other person.

(1) to the beneficiary or beneficiaries last designated by the participant before or after retirement in a signed and witnessed writing received by the Secretary prior to the participant's death, for which purpose a designation, change, or cancellation of beneficiary in a will or other documents not so executed and filed shall have no force or effect;

(2) if there be no such beneficiary, to the surviving wife or husband of such participant;

(3) if none of the above, to the child or children of such participant (including adopted and natural children but not stepchildren) and descendants of deceased children by representation;

(4) if none of the above, to the parents of such participant or the survivor of them;

(5) if none of the above, to the duly appointed executor or administrator of the estate of such participant; and

(6) if none of the above, to other next of kin of such participant as may be determined in the judgment of the Secretary to be legally entitled thereto, except that no payment shall be made pursuant to this paragraph (6) until after the expiration of thirty days from the death of the participant or annuitant.

(h) Death of survivor annuitant

Annuity accrued and unpaid on the death of a survivor annuitant shall be paid in the following order of precedence, and the payment bars recovery by any other person: First, to the duly appointed executor or administrator of the estate of the survivor annuitant; second, if there is no such executor or administrator, payment may be made, after the expiration of thirty days from the date of death of such survivor annuitant, to such person as may be determined by the Secretary to be entitled under the laws of the survivor annuitant's domicile at the time of death.

(i) Service in excess of thirty-five years; disposition of contributions through special contributions or refunds

Amounts deducted and withheld from basic salary of a participant under section 1071 of this title from the beginning of the first pay period after the participant has completed thirty-five years of service computed under sections 1091 and 1093 of this title, but excluding service credit for unused sick leave under subsection (b) of section 1091 of this title, together with interest on the amounts at the rate of 3 per centum a year compounded annually from the date of the deduction to the date of retirement or death, shall be applied toward any special contribution due under subsection (d) of section 1071 of this title, and any balance not so required shall be refunded in a lump sum to the participant after separation or, in the event of a death in service, to a beneficiary in the order

of precedence specified in subsection (g) of this section.

(Aug. 13, 1946, ch. 957, title VIII, § 841, 60 Stat. 1022; Sept. 8, 1960, Pub. L. 86-723, § 38, 74 Stat. 843; July 12, 1976, Pub. L. 94-350, title V, § 510, 90 Stat. 840.)

AMENDMENTS

1976—Pub. L. 94-350 substituted provisions relating to lump-sum payments for prior provisions for disposition of contributions and interest, as hereinafter described.

Subsec. (a). Pub. L. 94-350 added subsec. (a) defining "lump-sum credit" and providing for payment of interest and deleted former subsec. (a) provision reading "Whenever a participant becomes separated from the Service without becomin eligible for an annuity or a deferred annuity in accordance with the provisions of this chapter, the total amount of contributions from his salary with interest thereon at 4 per centum per annum, compounded annually at the end of each fiscal year through June 30, 1960; semiannually as of December 31, 1960; annually thereafter as of December 31, and proportionately for the period served during the year of separation including all contributions made during or for such period, except as provided in section 1116 of this title, shall be returned to him.", incorporated in part in subsecs. (a) and (b) of this section.

Subsec. (b). Pub. L. 94-350 added subsec. (b) and incorporated former subsec. (b) provisions in subsec. (g) of this section.

Subsec. (c). Pub. L. 94-350 added subsec. (c) and incorporated former subsec. (c) provisions in subsec. (g)(6) as the exception provision.

Subsecs. (d) to (f). Pub. L. 94-350 added subsecs. (d) to (f).

Subsec. (g), intro. par. Pub. L. 94-350 substituted "Payments authorized in subsections (d) through (f) of this section shall be paid in the following order of precedence to such person or persons surviving the participant and alive on the date entitlement to the payment arises, upon the establishment of a valid claim therefor, and such payment shall be a bar to recovery by any other person:" for introductory par. of former subsec. (b) incorporated in subsec. (g) reading "In the event that the total contributions of a retired participant, other than voluntary contributions made in accordance within the provisions of section 1116 of this title, with interest at 4 per centum per annum compounded annually as is provided in subsection (a) of this section added thereto, exceed the total amount returned to such participant or to an annuitant claiming through him, in the form of annuities, accumulated at the same rate of interest up to the date the annuity payments cease under the terms of the annuity, the excess of the accumulated contributions over the accumulated annuity payments shall be paid in the following order of precedence, upon the establishment of a valid claim therefor, and such payment shall be a bar to recovery by any other person:".

Subsec. (g)(1). Pub. L. 94-350 substituted "to the beneficiary or beneficiaries last designated by the participant before or after retirement in a signed and witnessed writing received by the Secretary prior to the participant's death, for which purpose a designation, change, or cancellation of beneficiary in a will or other document not so executed and filed shall have no force or effect" for par. (1) of former subsec. (b) incorporated in subsec. (g) reading "To the beneficiary or beneficiaries designated by the retired participant in writing to the Secretary".

Subsec. (g)(2). Pub. L. 94-350 redesignated par. (2) of former subsec. (b), incorporated in subsec. (g), as par. (2) of subsec. (g).

Subsec. (g)(3). Pub. L. 94-350 redesignated par. (3) of former subsec. (b), incorporated in subsec. (g), as par. (3) of subsec. (g) and inserted parenthetical phrase "(including adopted and natural children but not stepchildren)".

Subsec. (g)(4) to (6). Pub. L. 94-350 redesignated pars. (4) to (6) of former subsec. (b), incorporated in subsec. (g), as pars. (4) to (6) of subsec. (g) and redesignated former subsec. (c) to be the exception provision in par. (6) substituting "death of the participant or annuitant" for "death of the retired participant or his surviving annuitant".

Subsecs. (h), (i). Pub. L. 94-350 added subsecs. (h) and (i).

1960—Subsec. (a). Pub. L. 86-723 substituted "at the end of each fiscal year through June 30, 1960; semiannually as of December 31, 1960; annually thereafter as of December 31, and proportionately for the period served during the year of separation including all contributions made during or for such period" for "up to the date of such separation".

Subsec. (b). Pub. L. 86-723 substituted "with interest at 4 per centum per annum compounded annually as is provided in subsection (a) of this section" for "with interest compounded annually at 4 per centum" and amended the order of precedence for any undisbursed balance of the participants contributions to the Fund by adding pars. (2) to (4) providing for payments to surviving spouse, children or parents, and redesignating former pars. (2) and (3) as (5) and (6), changing "such person or persons" to "other next of kin" in par. (6).

Subsec. (c). Pub. L. 86-723 substituted "paragraph (6) of this subsection" for "subsection (b)(3) of this section".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-350 effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

Section 524(l) of Pub. L. 94-350 provided that: "Subsection (a) of section 841 of the Foreign Service Act of 1946, as amended by this title [subsec. (a) of this section], shall not apply to participants separated from the Foreign Service prior to the effective date of this title [Oct. 1, 1976] nor to their survivors. All payments from the Foreign Service Retirement Fund that become due on and after such effective date [Oct. 1, 1976] shall be paid in the order of precedence specified in such section 841 [this section] irrespective of the date of separation."

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

CROSS REFERENCES

Payment of contributions, upon death in service, without establishing valid claim for annuity to legal representative in order of precedence prescribed in this section, see section 1082 of this title.

Payment when annuity is discontinued, see section 1081 of this title.

Payments to officer, electing to receive retirement benefits and dying before sixty see section 1004 of this title.

Return of—

Additional deposits upon separation from Service, see section 1116 of this title.

Contributions for Foreign Service Retirement and Disability Fund upon separation for misconduct or malfeasance, see section 1007 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1004, 1007, 1064, 1081, 1082, 1084, 1091, 1111, 1116 of this title.

PART F—SERVICE PERIOD FOR ANNUITIES

§ 1091. Creditable service

(a) Civil Service Retirement provision applicable

Except as otherwise specified by law, all periods of civilian and military and naval service and periods of absence and separation therefrom completed by a participant through the date of final separation from the Service that would be creditable, as determined by the Secretary; under section 8332 of title 5, toward retirement under the Civil Service Retirement and Disability System, if performed by an employee under that system, shall be creditable for purposes of this subchapter. Conversely, any such service performed after December 31, 1976, that is not creditable under specified conditions under section 8332 of title 5, shall be excluded under this subchapter under the same conditions.

(b) Unused sick leave credit

In computing any annuity under this subchapter, the total service of a participant who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes, without regard to the thirty-five year limitation imposed by section 1076(a) of this title, the days of unused sick leave to his credit except that these days will not be counted in determining average basic salary or annuity eligibility under this subchapter. A contribution to the Fund shall not be required from a participant for this service credit.

(c) Service with other Government agency when on approved leave without pay; arrangement for payment of retirement deductions and agency contributions; special contribution

(1) A participant who enters on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of Government employees may, within sixty days after entering on that leave without pay, file with the employing agency an election to receive full retirement credit for such periods of leave without pay and arrange to pay concurrently into the Fund through the employing agency, amounts equal to the retirement deductions and agency contributions on the Foreign Service salary rate that would be applicable if the participant were in a pay status. If the election and all payments provided by this subsection are not made for the periods of such leave without pay occurring after the effective date of this subsection, the participant may not receive any credit for such periods of leave without pay occurring after such date.

(2) A participant may make a special contribution for any period or periods of approved leave without pay while serving, before the effective date of this subsection, as a full-time officer or employee of an organization composed primarily of Government employees. Any such contribution shall be based upon the suspended Foreign Service salary rate, and shall be computed in accordance with section 1071 of this title. A participant who makes such a contribution shall be allowed full retirement credit for the period or periods of leave without pay. If this contribution is not made, up to six months' retirement credit shall be allowed for such periods of leave without pay each calendar year.

(d) Service under Government retirement system; special contribution in repayment of refund of retirement contributions

A participant who has received a refund of retirement contributions (which has not been repaid) under this or any other retirement system for Government employees covering service which may be creditable may make a special contribution for such service pursuant to section 1071 of this title. Credit may not be allowed for service covered by the refund unless the special contribution is made.

(e) Civilian service under other Government retirement system; waiver of annuity under other system; special contribution

No credit in annuity computation shall be allowed for any period of civilian service for which a participant made retirement contributions to another retirement system for Government employees unless (1) the right to any annuity under the other system which is based on such service is waived, and (2) a special contribution is made covering such service pursuant to section 1071 of this title.

(f) Separation for military service

A participant who during the period of a war, or of a national emergency as proclaimed by the President or declared by the Congress, leaves the Service to enter the military service is deemed, for the purpose of this subchapter, as not separated from the Service unless the participant applies for and receives a lump-sum payment under section 1086 of this title. However, the participant is deemed to be separated from the Service after the expiration of five years of such military service.

(Aug. 13, 1946, ch. 957, title VIII, § 851, 60 Stat. 1023; Sept. 8, 1960, Pub. L. 86-723, § 39, 74 Stat. 844; Feb. 28, 1970, Pub. L. 91-201, title II, § 204, 84 Stat. 19; July 12, 1976, Pub. L. 94-350, title V, § 511, 90 Stat. 842.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-350, § 511(b), substituted provision respecting application of creditable service provision of Civil Service Retirement, section 8332 of title 5, for prior provision for computation of length of service from the effective date of appointment as a Foreign Service officer, or, if appointed prior to July 1, 1924, as an officer or employee of the Diplomatic or Consular Service, or from the date of becoming a participant under provisions of this chapter, excluding all periods of separation from the Service and so much of any leaves of absence without pay as exceeded six months in any calendar year except leaves of absence while receiving compensation for work injuries under chapter 81, subchapter 1, of title 5, and leaves of absence granted for performance of active and honorable military or naval service.

Subsecs. (c) to (f). Pub. L. 94-350, § 511(c), added subsecs. (c) to (f).

1970—Subsec. (a). Pub. L. 91-201, § 204(a), designated existing provisions as subsec. (a), and, in subsec. (a) as so designated, substituted "subchapter 1 of chapter 81 of title 5" for "the Federal Employees" Compensation Act of September 7, 1916, as amended".

Subsec. (b). Pub. L. 91-201, § 204(b), added subsec. (b).

1960—Pub. L. 86-723 substituted "as an officer or employee of the Diplomatic or Consular Service of the United States, or from the date he becomes a participant under the provisions of this chapter," for "as dip-

lomatic secretary, consul general, consul, vice consul, deputy consul, consular assistant, consular agent, commercial agent, interpreter, or student interpreter, and shall include periods of service at different times as either a diplomatic or consular officer, or while on assignment to the Department, or while on special duty or service in another department or establishment of the Government, or while on any assignment in accordance with the provisions of sections 961-967 of this title" and "except leaves of absence while receiving benefits under the Federal Employees' Compensation Act of September 7, 1916, as amended" for "except sick leaves of absence for illness or injury incurred in the line of duty, with or without pay", inserted "without pay" and "and honorable" and included reference to "Air Force".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment of subsec. (a) and enactment of subsecs. (d) to (f) by Pub. L. 94-350 effective Oct. 1, 1976, except as provided by section 524(j) and (k) of Pub. L. 94-350, set out hereunder, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

Section 524(j) of Pub. L. 94-350 provided that: "Subsection (c) of section 851 of the Foreign Service Act of 1946, as added by this title [subsec. (c) of this section], shall be effective on the first day of the first pay period that begins more than thirty days after the effective date of this title [Oct. 1, 1976 (see section 524(a) of Pub. L. 94-350, set out as a note under section 915 of this title)]. A participant who is on approved leave without pay and is serving as a full-time officer or employee of an organization composed primarily of Government employees on the effective date of such section shall have sixty days from such date to file an election under subsection (c) of said section 851 [subsec. (c) of this section]."

Section 524(k) of Pub. L. 94-350 provided that: "Subsection (f) of section 851 of the Foreign Service Act of 1946, as added by this title [subsec. (f) of this section], shall apply, in addition to present participants, to former participants who separated from the Foreign Service to enter the Armed Forces within the five-year period immediately preceding the effective date of this title [Oct. 1, 1976 (see section 524(a) of Pub. L. 94-350, set out as a note under section 915 of this title)] and who are members of the Armed Forces on such date [Oct. 1, 1976]."

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-201 to become effective as of Oct. 20, 1969, but not applicable to persons retired or otherwise separated prior to such date, the rights of such persons and their survivors to be continued in the same manner and to the same extent as if such section had not been amended by Pub. L. 91-201, see section 206(a) of Pub. L. 91-201, set out as an Effective Date of 1970 Amendment note under section 1076 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

TRANSFER OF FUNCTIONS

The Coast Guard, referred to in this section, is a service in the Department of Transportation except when it is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

REFUND OF CONTRIBUTIONS MADE TO OBTAIN RETIREMENT CREDIT FOR PRIOR MILITARY SERVICE

Section 8(c) of act Apr. 5, 1955, ch. 23, 69 Stat. 26, provided that: "A special contribution to the Foreign Service Retirement and Disability Fund made by any participant on or after April 1, 1948 for the purpose of obtaining service credit in accordance with the provisions of section 852(a)(2) of the Foreign Service Act of 1946 [subsec. (a)(2) of section 1092] for periods of active military or naval service in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States shall be refunded. Such refund shall not include any interest covering the period such special contribution, or any part thereof, was on deposit in the fund."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1071, 1076, 1086, 1111 of this title.

§ 1092. Repealed. Pub. L. 94-350, title V, § 516, July 12, 1976, 90 Stat. 845

Section, acts Aug. 13, 1946, ch. 957, title VIII, § 852, 60 Stat. 1023; Apr. 5, 1955, ch. 23, § 8(a), (b), 69 Stat. 26; Sept. 8, 1960, Pub. L. 86-723, § 40, 74 Stat. 844; Feb. 28, 1970, Pub. L. 91-201, title I, § 103, 84 Stat. 17, related to prior service credits and is now covered by sections 1071 and 1091 of this title.

EFFECTIVE DATE OF REPEAL

Section repealed effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

§ 1093. Extra credit for service at unhealthful posts

The President may from time to time establish a list of places which by reason of climatic or other extreme conditions are to be classed as unhealthful posts, and each year of duty subsequent to January 1, 1900, at such posts inclusive of regular leaves of absence, of participants thereafter retired, shall be counted as one year and a half, and so on in like proportion in reckoning the length of service for the purpose of retirement, fractional months being considered as full months in computing such service, but no such extra credit for service at such unhealthful posts shall be credited to any participant who shall have been paid a salary differential in accordance with section 888 of this title for such service performed subsequent to April 5, 1955.

(Aug. 13, 1946, ch. 957, title VIII, § 853, 60 Stat. 1024; Apr. 5, 1955, ch. 23, § 9, 69 Stat. 27.)

REFERENCES IN TEXT

Section 888 of this title, referred to in the text, was repealed by Pub. L. 86-707, title V, § 511(a)(1), Sept. 6, 1960, 74 Stat. 800, and is now covered by section 5921 et seq. of Title 5, Government Organization and Employees.

AMENDMENTS

1955—Act Apr. 5, 1955, added provision that no extra credit toward retirement for service at unhealthful posts shall be credited to any Foreign Service officer who shall have been paid a salary differential in accordance with section 888 of this title, and by eliminating the last sentence of this section which provided that the President could cancel the designation of places as unhealthful without affecting accrued credit for service at such posts prior to the date of cancellation.

DELEGATION OF FUNCTIONS

Secretary of State empowered to establish from time to time a list of places which by reason of climatic or other extreme conditions are to be classed as unhealthful posts, and to cancel the designation of any place as unhealthful, see section 1(f) of Ex. Ord. No. 10903, Jan. 9, 1961, 26 F.R. 217, set out as a note under

section 5921 of Title 5, Government Organization and Employees.

CROSS REFERENCES

Foreign Service Retirement and Disability System, extra service credit of chief of mission as excluded from required period of service for purposes of participation in, see section 1063 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1006, 1063, 1076, 1086 of this title.

§ 1094. Repealed. Pub. L. 94-350, title V, § 516, July 12, 1976, 90 Stat. 845

Section, act Aug. 13, 1946, ch. 957, title VIII, § 854, 60 Stat. 1024, provided for credit while on military leave and is now covered by section 1071(e) of this title.

EFFECTIVE DATE OF REPEAL

Section repealed effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

§ 1095. Recomputation of annuities of certain former participants

The annuity of each former participant under the System, who retired prior to July 28, 1956, and who at the time of his retirement had creditable service in excess of thirty years, shall be recomputed on the basis of actual years of creditable service not in excess of thirty-five years. Service which was not creditable under the System on the date a former participant retired, shall not be included as creditable service for the purpose of this recomputation. The annuities payable to such persons shall, when recomputed, be paid at the rates so determined, but no such recomputation or any other action taken pursuant to this section shall operate to reduce the rate of the annuity any such person is entitled to receive under the System.

(Aug. 13, 1946, ch. 957, title VIII, § 855, as added Sept. 8, 1960, Pub. L. 86-723, § 41, 74 Stat. 845.)

EFFECTIVE DATE

Section effective on the first day of the first month which begins more than thirty days after Sept. 8, 1960, see section 56(d) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

PART G—MONEYS

§ 1101. Estimate of needed appropriations

The Secretary of the Treasury shall prepare the estimates of the annual appropriations required to be made to the Fund, and shall make actuarial valuations of such funds at intervals of five years, or oftener if deemed necessary by him. The Secretary of State may expend from money to the credit of the Fund an amount not exceeding $5,000 per annum for the incidental expenses necessary in administering the provisions of this subchapter, including actuarial advice.

(Aug. 13, 1946, ch. 957, title VIII, § 861, 60 Stat. 1024.)

§ 1102. Repealed. Pub. L. 89-348, § 1(22), Nov. 8, 1965, 79 Stat. 1312

Section, act Aug. 13, 1964, ch. 957, title VIII, § 862, 60 Stat. 1024, required an annual report to the Congress and to the President on the condition of the Foreign Service Retirement and Disability Fund and of estimates of appropriations necessary to continue the system in effect.

§ 1103. Investment of Fund

The Secretary of the Treasury shall invest from time to time in interest-bearing securities of the United States such portions of the Fund as in his judgment may not be immediately required for the payment of annuities, cash benefits, refunds, and allowances, and the income derived from such investments shall constitute a part of such Fund.

(Aug. 13, 1946, ch. 957, title VIII, § 863, 60 Stat. 1024.)

§ 1104. Attachment of moneys

None of the moneys mentioned in this subchapter shall be assignable either in law or equity, or be subject to execution, levy, attachment, garnishment, or other legal process, except as provided in section 1004(c) of this title.

(Aug. 13, 1946, ch. 957, title VIII, § 864, 60 Stat. 1024; Apr. 5, 1955, ch. 23, § 13(3), 69 Stat. 27.)

AMENDMENT OF SECTION BY EXECUTIVE ORDER

Section 2(e) of Ex. Ord. No. 11952, Jan. 7, 1977, 42 F.R. 2293, 4809, set out as a note under section 1065 of this title, purported to amend this section by adding a subsection (a) and conforming the present section as subsection (b). As so amended the section provides as follows:

(a) An individual entitled to an annuity from the Fund may make allotments or assignments of amounts from such annuity for such purposes as the Secretary in his sole discretion considers appropriate.

(b) None of the moneys mentioned in this title shall be assignable, either in law or equity, except under the provisions of subsection (a) of this Section or Section 634(c) [section 1004(c) of this title], or subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal laws.

AMENDMENTS

1955—Act Apr. 5, 1955, substituted "1004(c)" for "1004(b)".

§ 1105. Payments for future benefits; funding normal cost

(a) Any statute which authorizes—

(1) new or liberalized benefits payable from the Fund, including annuity increases other than under section 1121 of this title;

(2) extension of the benefits of the System to new groups of employees; or

(3) increases in salary on which benefits are computed;

is deemed to authorize appropriations to the Fund to finance the unfunded liability created by that statute, in thirty equal annual installments with interest computed at the rate used

in the then most recent valuation of the System and with the first payment thereof due as of the end of the fiscal year in which each new or liberalized benefit, extension of benefits, or increase in salary is effective.

(b) There is authorized to be appropriated to the Fund for each fiscal year an amount equal to the amount of the Foreign Service normal cost for that year which is not met by contributions to the Fund under section 1071(a) of this title.

(Aug. 13, 1946, ch. 957, title VIII, § 865, as added Feb. 28, 1970, Pub. L. 91-201, title I, § 104(a), 84 Stat. 17, and amended July 12, 1976, Pub. L. 94-350, title V, § 512, 90 Stat. 843.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-350, § 512(1), designated existing provisions as subsec. (a).

Subsec. (b). Pub. L. 94-350, § 512(2), added subsec. (b).

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-350 effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1064 of this title.

§ 1106. Unfunded liability obligations; military service credit

At the end of each fiscal year, the Secretary shall notify the Secretary of the Treasury of the amount equivalent to (1) interest on the unfunded liability computed for that year at the interest rate used in the then most recent valuation of the System, and (2) that portion of disbursement for annuities for that year which the Secretary estimates is attributable to credit allowed for military service. Before closing the accounts for each fiscal year, the Secretary of the Treasury shall credit to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated, the following percentages of such amounts: 10 per centum for 1971; 20 per centum for 1972; 30 per centum for 1973; 40 per centum for 1974; 50 per centum for 1975; 60 per centum for 1976; 70 per centum for 1977; 80 per centum for 1978; 90 per centum for 1979; and 100 per centum for 1980 and for each fiscal year thereafter. The Secretary shall report to the President and to the Congress the sums credited to the Fund under this section.

(Aug. 13, 1946, ch. 957, title VIII, § 866, as added Feb. 28, 1970, Pub. L. 91-201, title I, § 104(a), 84 Stat. 18.)

EFFECTIVE DATE

Section 104(b) of Pub. L. 91-201 provided that: "The provisions of section 866 of the Foreign Service Act of 1946 [this section], as contained in the amendment made by subsection (a) of this section [enacting this section and section 1105 of this title], shall become effective at the beginning of the fiscal year which ends on June 30, 1971."

PART H—ANNUITANTS RECALLED IN SERVICE OR REEMPLOYED IN GOVERNMENT

AMENDMENTS

1960—Pub. L. 86-723, § 42, Sept. 8, 1960, 74 Stat. 845, substituted "Annuitants recalled, reinstated or reappointed in service or reemployed in Government" for "Officers reinstated in service" in part heading.

§ 1111. Annuity adjustment for recall service

Any annuitant recalled to duty in the Service in accordance with the provisions of section 915(b) of this title shall, while so serving, be entitled in lieu of annuity to the full salary of the class in which serving. During such service, the recalled annuitant shall make contributions to the Fund in accordance with the provisions of section 1071 of this title. On the day following termination of the recall service, the former annuity shall be resumed adjusted by any cost-of-living increases under section 1121 of this title that became effective during the recall period. If the recall service lasts less than one year, the annuitant's contributions to the Fund during recall service shall be refunded in accordance with section 1086 of this title. If the recall service lasts more than one year, the annuitant may, in lieu of such refund, elect a supplemental annuity computed under section 1076 of this title on the basis of service credit and average salary earned during the recall period irrespective of the number of years of service credit previously earned. If the recall service continues for at least five years, the annuitant may elect to have his or her annuity determined anew under section 1076 of this title in lieu of any other benefits under this section. Any annuitant who is recalled under section 915(b) of this title may, upon written application, count as recall service any prior service that is creditable under section 1091 of this title that was performed after the separation upon which his or her annuity is based.

(Aug. 13, 1946, ch. 957, title VIII, § 871, 60 Stat. 1025; July 28, 1956, ch. 770, § 10, 70 Stat. 705; Sept. 8, 1960, Pub. L. 86-723, § 43, 74 Stat. 845; July 12, 1976, Pub. L. 94-350, title V, § 513, 90 Stat. 843.)

AMENDMENTS

1976—Pub. L. 94-350 deleted provision respecting any annuitant being reinstated or reappointed in accordance with provisions of section 1081(b) of this title and last sentence providing for determination anew of an annuity, when annuitant reverted to his retired status, in accordance with provisions of section 1076 of this title and added provisions respecting adjustment of an annuity when the recall service lasts: less than a year, more than a year, or for at least five years, and for counting by an annuitant recalled under section 915(b) of this title as recall service of any prior service that is creditable under section 1091 of this title that was performed after the separation upon which the annuity is based.

1960—Pub. L. 86-723 entitled any annuitant reinstated or reappointed in the Service to the full salary of the class in which he is serving in lieu of his annuity and provided for the redetermination of the annuity, upon reversion to retired status, as provided in section 1076 of this title instead of recomputation on the basis of total service credit if the annuity he was receiving prior to reinstatement in the Service was based on less than thirty-five years of service credit.

1956—Act July 28, 1956, substituted "thirty-five" for "thirty" preceding "years of service credit,".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-350 effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1076, 1082, 1086 of this title.

§ 1112. Reemployment

(a) Appointive position

Notwithstanding any other provision of law, any officer or employee of the Service, who has retired under this chapter and is receiving an annuity pursuant thereto, and who is reemployed in the Federal Government service in any appointive position either on a part-time or full-time basis, shall be entitled to receive the salary of the position in which he is serving plus so much of his annuity payable under this chapter which when combined with such salary does not exceed during any calendar year the basic salary such officer or employee was entitled to receive under sections 867 or 870 of this title, on the date of his retirement from the Service. Any such reemployed officer or employee who receives salary during any calendar year in excess of the maximum amount which he may be entitled to receive under this subsection shall be entitled to such salary in lieu of benefits hereunder.

(b) Notice

When any such retired officer or employee of the Service is reemployed, the employer shall send a notice to the Department of State of such reemployment together with all pertinent information relating thereto, and shall pay directly to such officer or employee the salary of the position in which he is serving.

(c) Overpayment

In the event of any overpayment under this section, such overpayment shall be recovered by withholding the amount involved from the salary payable to such reemployed officer or employee, or from any other moneys, including his annuity, payable in accordance with the provisions of this subchapter.

(Aug. 13, 1946, ch. 957, title VIII, § 872, as added Sept. 8, 1960, Pub. L. 86-723, § 44, 74 Stat. 846, and amended Sept. 4, 1961, Pub. L. 87-195, pt. IV, § 708(2), 75 Stat. 464.)

AMENDMENTS

1961—Subsec. (b). Pub. L. 87-195 authorized payment of the salary directly to the officer or employee.

Subsec. (c). Pub. L. 87-195 substituted "such overpayment shall be recovered by withholding the amount involved from the salary payable to such reemployed officer or employee, or from any other moneys, including his annuity, payable in accordance with the provisions of this subchapter" for "the Secretary of State is authorized to withhold the amount of such overpayment from the salary payable to such reemployed officer or employee or from his annuity".

EFFECTIVE DATE

Section effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

REPEALS

Section 708(2) of Pub. L. 87-195, which amended this section, was repealed by section 401 of Pub. L. 87-565, pt. IV, Aug. 1, 1962, 76 Stat. 263, except insofar as section 708(2) affected this section.

REINSTATEMENT TO ACTIVE STATUS OF CERTAIN OFFICERS RETIRED FOR AGE

Section 53 of Pub. L. 86-723 provided that: "Any person who occupies a position in the Department of State to which he was appointed by the President, by and with the advice and consent of the Senate, at the time that he was an active Foreign Service officer, and who while holding this position has retired for age as a Foreign Service officer, and who on the effective date of this section, continues to hold such position is hereby reinstated, effective as of the date of such retirement, to active status as a Foreign Service officer and shall be entitled to all the provisions of the Foreign Service Act of 1946, as amended [this chapter], as though he had never retired."

Section 53 of Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2386, 2512 of this title.

PART I—VOLUNTARY CONTRIBUTIONS

§ 1116. Voluntary contribution account

(a) Composition; election and return

The Voluntary contribution account shall be the sum of unrefunded amounts heretofore voluntarily contributed by any participant or former participant under this section or under a prior corresponding provision of law, plus interest compounded at the rate of 3 per centum per annum to date of separation from the Service or in case of a participant or former participant separated with entitlement to a deferred annuity to the date the voluntary contribution account is claimed, or to the commencing date fixed for the deferred annuity or to the date of death, whichever is earlier. A participant's or former participant's account shall, effective on the date the participant becomes eligible for an annuity or a deferred annuity and at the participant's election, be—

(1) returned to him in a lump sum; or

(2) used to purchase an additional life annuity; or

(3) used to purchase an additional life annuity for himself and to provide for a cash payment on his death to a beneficiary whose name shall be notified in writing to the Secretary by the participant; or

(4) used to purchase an additional life annuity for himself and a life annuity commencing on his death payable to a beneficiary whose name shall be notified in writing to the Secretary by the participant with a guaranteed return to the beneficiary or his legal representative of an amount equal to the cash pay-

ment referred to in paragraph (3) of this subsection.

(b) Computation of benefits

The benefits provided by paragraphs (2) to (4) of subsection (a) of this section shall be actuarially equivalent in value to the payment provided for by subsection (a)(1) of this section and shall be calculated upon such tables of mortality as may be from time to time prescribed for this purpose by the Secretary of the Treasury.

(c) Lump sum payment; time; order of precedence

A voluntary contribution account shall be paid in a lump sum following receipt of an application therefor from a present or former participant provided application is filed prior to payment of any additional annuity. If not sooner paid, the account shall be paid at such time as the participant separates from the Service for any reason without entitlement to an annuity, or a deferred annuity or at such time as a former participant dies or withdraws compulsory contributions to the Fund. In case of death, the account shall be paid in the order of precedence specified in section 1086(g) of this title.

(Aug. 13, 1946, ch. 957, title VIII, § 881, 60 Stat. 1025; Sept. 8, 1960, Pub. L. 86-723, § 45, 74 Stat. 846; July 12, 1976, Pub. L. 94-350, title V, § 514, 90 Stat. 843.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-350, § 514(a), substituted preceding par. (1) "The Voluntary contribution account shall be the sum of unrefunded amounts heretofore voluntarily contributed by any participant or former participant under this section or under a prior corresponding provision of law, plus interest compounded at the rate of 3 per centum per annum to date of separation from the Service or in case of a participant or former participant separated with entitlement to a deferred annuity to the date the voluntary contribution account is claimed, or to the commencing date fixed for the deferred annuity or to the date of death, whichever is earlier. A participant's or former participant's account shall, effective on the date the participant becomes eligible for an annuity or a deferred annuity and at the participant's election, be—" for "Any participant may, at his option and under such regulations as may be prescribed by the President, deposit additional sums in multiples of 1 per centum of his basic salary, but not in excess of 10 per centum of such salary, which amounts together with interest at 3 per centum, compounded annually at the end of each fiscal year through June 30, 1960; semiannually as of December 31, 1960; annually thereafter as of December 31, and proportionately for the period served during the year of his retirement, including all contributions made during or for such period, shall, at the date of his retirement and at his election, be—".

Subsec. (c). Pub. L. 94-350, § 514(b), substituted provisions respecting lump sum payment of a voluntary contribution account, the time for making the payment, and in case of death payment in order of precedence specified in section 1086(g) of this title for prior provision "In case a participant shall become separated from the Service for any reason except retirement on an annuity, the amount of any additional deposits with interest at 3 per centum per annum, compounded as is provided in subsection (a) of this section, made by him under the provisions of this subsection shall be refunded in the manner provided in section 1086 of this title for the return of contributions and interest in the case of death or separation from the Service."

Subsec. (d). Pub. L. 94-350, § 514(b), struck out subsec. (d) which read: "Any benefits payable to an officer or to his beneficiary in respect to the additional deposits provided under this subsection shall be in addition to the benefits otherwise provided under this subchapter."

1960—Subsec. (a). Pub. L. 86-723, § 45(a), substituted in the opening paragraph "compounded annually at the end of each fiscal year through June 30, 1960; semiannually as of December 31, 1960; annually thereafter as of December 31, and proportionately for the period served during the year of his retirement, including all contributions made during or for such period," for "compounded on June 30 of each year".

Subsec. (c). Pub. L. 86-723, § 45(b), substituted "as is provided in subsection (a) of this section" and "separation from the Service" for "annually" and "withdrawal from active service", respectively.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment of subsec. (a) preceding par. (1) and subsec. (c), and deletion of subsec. (d) by Pub. L. 94-350 effective on first day of first pay period which begins more than ninety days after Oct. 1, 1976, see section 524(b) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 1063 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

DELEGATION OF RULE-MAKING AUTHORITY

Authority of the President under subsec. (a) of this section delegated to the Secretary of State, see section 1(c) of Ex. Ord. No. 10897, Dec. 2, 1960, 25 F.R. 12429, set out as a note under section 1061 of this title.

INCREASED ANNUITIES

Annuities of annuitants and survivorship annuitants retired prior to Nov. 13, 1950, increased, see sections 1077 and 1078, respectively, of this title.

Exclusion of additional annuities purchased with voluntary contributions pursuant to this section from computation of increase in annuities of annuitants retired or survivor annuitants receiving annuities, on or before June 30, 1962, see section 1079*l* of this title.

CROSS REFERENCES

Payment of contributions, upon death in service, without payable claim, see section 1082 of this title.

Return of contributions to separated personnel, except as provided in this section, see section 1086 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1079*j*, 1079*l* of this title.

PART J—COST-OF-LIVING ADJUSTMENTS OF ANNUITIES

§ 1121. Cost-of-living annuity increase

(a) Effective date

A cost-of-living annuity increase shall become effective under this section on the effective date of each such increase under section 8340(b) of title 5. Each such increase shall be applied to each annuity payable from the Fund which has a commencing date not later than the effective date of the increase.

(b) Initial increase on basis of per centum level in price index; subsequent increases identical to corresponding Civil Service increases

(1) The Secretary shall—

(A) on January 1 of each year, or within a reasonable time thereafter, determine the percent change in the price index published for December of the preceding year over the price index published for June of the preceding year, and

(B) on July 1 of each year, or within a reasonable time thereafter, determine the percent change in the price index published for June of such year over the price index published for December of the preceding year.

(2) If in any year the percent change determined under either paragraph (1)(A) or (1)(B) indicates a rise in the price index, then—

(A) effective March 1 of such year, in the case of an increase under paragraph (1)(A), each annuity payable from the Fund having a commencing date not later than such March 1 shall be increased by the percent change computed under such paragraph, adjusted to the nearest ⅒ of 1 percent, or

(B) effective September 1 of such year, in the case of an increase under paragraph (1)(B), each annuity payable from the Fund having a commencing date not later than such September 1 shall be increased by the percent change computed under such paragraph adjusted to the nearest ⅒ of 1 percent.

(c) Eligibility for increases

Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the Fund as of the effective date of an increase except as follows:

(1) An annuity, except a deferred annuity under section 1084 of this title or any other section of this chapter, payable from the Fund to a participant who retires and receives an immediate annuity, or to a surviving spouse of a deceased participant who dies in service or who dies after being separated under the provisions of section 1004(b)(2) of this title, which has a commencing date after the effective date of the then last preceding general annuity increase under this section shall not be less than the annuity which would have been payable if the commencing date of such annuity had been the effective date of such last preceding increase. In the administration of this paragraph, the number of days of unused sick leave to an employee's or deceased employee's credit on the effective date of the then last preceding general annuity increase under this section shall be deemed to be equal to the number of days of unused sick leave to his or her credit on the day of separation from the Service.

(2) Effective from its commencing date, an annuity payable from the Fund to an annuitant's survivor, except a child entitled under section 1076(c) or 1082(c) or (d) of this title, shall be increased by the total per centum increase the annuitant was receiving under this section at death.

(3) For purposes of computing or recomputing an annuity to a child under section 1076(c) or (d) or 1082(c) or (d) of this title, the items $900, $1,080, $2,700 and $3,240 appearing in section 1076(c) of this title shall be increased by the total per centum increases by which corresponding amounts are being increased under section 8340 of title 5 on the date the child's annuity becomes effective.

(d) Prohibition against computing increases on additional annuities purchased by voluntary contributions after retirement

No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

(e) Monthly installments

The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar, except such installment shall after adjustment reflect an increase of at least $1.

(f) Increase in annuity of survivor spouse

Effective the first day of the second month which begins after October 1, 1976 or on the commencing date of an annuity, whichever is later, the annuity of each surviving spouse whose entitlement to annuity resulted from the death—

(1) before October 1, 1976, of (A) a participant, or (B) a former participant entitled to benefits under section 1004(b) of this title; or

(2) of an annuitant who, prior to October 1, 1976, elected a reduced annuity under this chapter or any other Act in order to provide a spouse's survivor annuity;

shall be increased by 10 per centum.

(Aug. 13, 1946, ch. 957, title VIII, § 882, as added Oct. 31, 1965, Pub. L. 89-308, § 9(3), 79 Stat. 1131, and amended Feb. 28, 1970, Pub. L. 91-201, title II, § 205, 84 Stat. 19; July 12, 1976, Pub. L. 94-350, title V, § 515, 90 Stat. 844; Oct. 1, 1976, Pub. L. 94-440, title XIII, § 1306(e)(1), 90 Stat. 1463.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-350, § 515(a), substituted provisions respecting effective date of cost-of-living increase for prior provision reading "Effective the first day of the third month which begins after the date of enactment of the Foreign Service Act Amendments of 1969 [Feb. 28, 1970] (hereafter in this section referred to as 'this amendment'), each annuity payable from the Fund which has a commencing date not later than such effective date shall be increased by 1 per centum plus the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum, determined by the Secretary on the basis of the increase in the price index for the month latest published on the date of enactment of this amendment [Feb. 28, 1970] over the average price index for the calendar year forming the basis for the last increase under this section prior to this amendment."

Subsec. (b). Pub. L. 94-440 substituted provisions requiring that Secretary shall determine on Jan. 1 and July 1 of each year the percentage change in the price index and effective Mar. 1 or Sept. 1, each annuity payable from the Fund shall be increased by computed percent change adjusted to the nearest ⅒ of 1 percent, for provisions requiring that effective the first day of the third month which begins after the price index equals a rise of at least 3 percent for 3 consecutive months over the prior price index, each annuity payable from Fund shall be increased by 1 percent plus the highest rise in the price index over those months adjusted to the nearest ⅒ of 1 percent.

Pub. L. 94-350, § 515(a), substituted provisions respecting the initial increase on basis of per centum level in price index and subsequent increases identical to corresponding Civil Services increases for prior provision reading "Effective the first day of the third

month which begins after the price index shall have equaled a rise of at least 3 per centum for three consecutive months over the price index for the month last used to establish an increase, each annuity payable from the Fund which has a commencing date not later than such effective date shall be increased by 1 per centum plus the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum."

Subsec. (c)(1). Pub. L. 94-350, § 515(a), added par. (1) and redesignated former par. (1) as (2).

Subsec. (c)(2). Pub. L. 94-350, § 515(a), redesignated former par. (1) as (2), substituted therein "an annuitant's survivor, except a child entitled under section 1076(c) or 1082(c) or (d) of this title," for "a surviving wife, husband, or designated beneficiary of an annuitant", and redesignated former par. (2) as (3).

Subsec. (c)(3). Pub. L. 94-350, § 515(a), redesignated former par. (2) as (3) and substituted "For purposes of computing or recomputing an annuity to a child under section 1076(c) or (d)" for "For purposes of computing an annuity which commences on or after November 1, 1969, to a child under section 1076(c)" and "increased by the total per centum increases by which corresponding accounts are being increased under section 8340 of Title 5 on the date the child's annuity becomes effective" for "increased by the total per centum increases allowed and in force under this section subsequent to November 1, 1969".

Subsec. (f). Pub. L. 94-350, § 515(b), added subsec. (f).

1970—Subsec. (a). Pub. L. 91-201 provided for the transition from the calendar year formula, whereby increases to annuitants were granted on April 1 in any year if the average level of the price index for the previous calendar year exceeded the level for a prior year by 3 percent or more, to the 3-month formula providing an increase to all annuitants based upon the difference between the average level of the price index for the calendar year forming the base for the last Foreign Service increase and the price index for the month last published on the date of enactment of this bill, permitting the annuitants to receive this percentage plus an additional 1 percent in each cost-of-living annuity increase, this increase being payable to all annuitants on the roll on the first day of the third month which begins after the enactment of this bill.

Subsec. (b). Pub. L. 91-201 added subsec. (b). Former subsec. (b) was redesignated subsec. (c) and amended.

Subsec. (c). Pub. L. 91-201 redesignated former subsec. (b) as (c) and, in subsec. (c) as so redesignated, increased the annuity of surviving children. Former subsec. (c) was redesignated as subsec. (d).

Subsec. (d). Pub. L. 91-201 redesignated former subsec. (c) as (d). Former subsec. (d), which made increases inapplicable to amounts paid under authority of other provisions of law authorizing annuity grants to widows, was stricken.

Subsec. (e). Pub. L. 91-201 inserted provision that monthly installment of annuity should reflect after adjustment an increase of at least $1.

EFFECTIVE DATE OF 1976 AMENDMENTS

Section 524(m) of Pub. L. 94-350 provided that: "The amendment of subsections (a) and (b) of section 882 of the Foreign Service Act of 1946 made by this title [subsecs. (a) and (b) of this section] shall be effective on the fifteenth day of the third month which begins after the effective date of this title [Oct. 1, 1976 (see section 524(a) of Pub. L. 94-350, set out as a note under section 915 of this title)]."

Amendment of subsec. (c) and enactment of subsec. (f) of Pub. L. 94-350 effective Oct. 1, 1976, see section 524(a) of Pub. L. 94-350, set out as an Effective Date of 1976 Amendment note under section 915 of this title.

For purpose of subsec. (c)(2) of this section, death of an annuitant who died before Oct. 1, 1976, deemed to have occurred on such date, see section 524(f) of Pub. L. 94-350, set out as a note under section 1064 of this title.

Section 1306(e)(2) of Pub. L. 94-440 provided that: "The amendment made by subsection (1) [amending subsec. (b) of this section] shall apply to any increase in annuities after the date of enactment of this Act [Oct. 1, 1976], except that with respect to the first date after the date of enactment of this Act on which the Secretary is to determine a percent change, such percent change shall be determined by computing the change in the price index published for the month immediately preceding such first date over the price index for the last month prior to the date of enactment of this Act for which the price index showed a percent rise forming the basis for a cost-of-living increase under section 882(b) of the Foreign Service Act of 1946 (22 U.S.C. 1121(b)), as in effect immediately prior to the date of the enactment of this Act [Oct. 1, 1976]."

ADJUSTMENT OF ANNUITIES

Section 524(n) of Pub. L. 94-350 provided that: "Annuities which commenced between—

"(A) the effective date of the last cost-of-living increase which became effective under section 882 of the Foreign Service Act of 1946 [this section] prior to the effective date of this title [Oct. 1, 1976 (see section 524(a) of Pub. L. 94-350, set out as a note under section 915 of this title)], and

"(B) such effective date,

shall be recomputed and, if necessary, adjusted retroactively to their commencing dates to apply the provisions of new subsections (c)(1) of section 882 of the Foreign Service Act of 1946, as added by section 515 of this title [subsec. (c)(1) of this section]."

RETROACTIVE EFFECT

Section 206(e) of Pub. L. 91-201 provided that: "Section 882(c)(1) [subsec. (c)(1) of this section] of such Act as amended by this Act [Pub. L. 91-201] shall not apply with respect to survivor annuities in effect on the date of enactment of this Act [Feb. 28, 1970]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1105, 1111 of this title.

SUBCHAPTER IX—ALLOWANCES AND BENEFITS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 926 of this title; title 7 section 1763; title 26 section 912.

PART A—ALLOWANCES AND SPECIAL ALLOTMENTS

§ 1131. Representation allowances

In accordance with such regulations as the President may prescribe and notwithstanding the provisions of section 5536 of title 5, the Secretary is authorized to grant to any officer or employee of the Service who is a citizen of the United States allowances in order to provide for the proper representation of the United States by officers or employees of the Service.

(Aug. 13, 1946, ch. 957, title IX, § 901, 60 Stat. 1025, Apr. 5, 1955, ch. 23, § 10, 69 Stat. 27; Sept. 6, 1960, Pub. L. 86-707, title V, § 511(c)(7), 74 Stat. 801.)

CODIFICATION

"Section 5536 of title 5" was substituted for "section 1765 of the Revised Statutes (5 U.S.C. 70)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1960—Pub. L. 86-707 amended section generally and eliminated provisions which authorized the payment of quarters and cost-of-living allowances, which provisions were covered by sections 3036 and 3037 of former Title 5, Executive Departments and Government Officers and Employees.

1955—Subd. (2). Act Apr. 5, 1955, substituted "any post of assignment abroad or at a post of assignment in the continental United States between assignments to posts abroad;" for "his post of assignment" at the end of par. (ii), and added par. (iv).

DELEGATION OF FUNCTIONS

Secretary of State empowered to prescribe regulations governing allowances in order to provide for the proper representation of the United States by officers or employees of the Foreign Service, see section 1(d) of Ex. Ord. No. 10903, Jan. 9, 1961, 26 F.R. 217, set out as a note under section 5921 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 10624

Ex. Ord. No. 10624, July 28, 1955, 20 F.R. 5445, set out as a note under section 1762 of Title 7, Agriculture, provides that rules and regulations prescribed by the Secretary of State under authority vested in him by this subchapter shall be applicable to persons assigned abroad under sections 1761 to 1768 of Title 7.

CROSS REFERENCES

Advancement of funds for payment of allowances; recovery of excess; waiver, see section 5922 of Title 5, Government Organization and Employees.

Benefits to Veterans' Administration employees in the Philippines who are United States citizens, similar to those provided in this section, see section 235 of Title 38, Veterans' Benefits.

Quarters allowances; payment or reimbursement for repairs, alterations, and improvements to leased residences, see section 5923 of Title 5, Government Organization and Employees.

Reserve officers as entitled to allowances, privileges, and benefits of this subchapter, see section 926 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 287e, 2389, 2513 of this title; title 20 section 906; title 38 section 235.

§§ 1132, 1133. Repealed. Pub. L. 86-707, title V, § 511(a)(1), Sept. 6, 1960, 74 Stat. 800

Section 1132, acts Aug. 13, 1946, ch. 957, title IX, § 902, 60 Stat. 1026; July 28, 1956, ch. 770, § 11, 70 Stat. 705, authorized the Secretary of State to allot funds to defray the unusual expenses incident to the operation and maintenance of official residences suitable for principal representatives of the United States, and is now covered by section 5913 of Title 5, Government Organization and Employees.

Section 1133, act Aug. 13, 1946, ch. 957, title IX, § 903, 60 Stat. 1026, required the Secretary of State to account for all allowances and allotments.

PART B—TRAVEL AND RELATED EXPENSES

§ 1136. Travel expenses of officers and employees and their families; transportation and storage of furniture and household and personal effects; bringing home remains of personnel and family dying abroad

The Secretary may, under such regulations as he shall prescribe, pay—

(1) the travel expenses of officers and employees of the Service, including expenses incurred while traveling pursuant to orders issued by the Secretary in accordance with the provisions of section 1148 of this title with regard to the granting of home leave;

(2) the travel expenses of the members of the family of an officer or employee of the Service when proceeding to or returning from his post of duty; accompanying him on authorized home leave; accompanying him for representational purposes on authorized travel within the country of his assignment or, at the discretion of the Secretary, outside the country of his assignment, but in no case to exceed one member of his family; or otherwise traveling in accordance with authority granted pursuant to the terms of this chapter or any other Act;

(3) the cost of transporting the furniture and household and personal effects of an officer or employee of the Service to his successive posts of duty and, on the termination of his services, to the place where he will reside;

(4) the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Service, when he is absent from his post of assignment under orders, or when he is assigned to a post to which he cannot take or at which he is unable to use such furniture and household and personal effects, or when it is in the public interest or more economical to authorize storage; but in no instance shall the weight or volume of the effects stored together with the weight or volume of the effects transported exceed the maximum limitations fixed by regulations, when not otherwise fixed by law;

(5) the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Service in connection with assignment or transfer to a new post, from the date of his departure from his last post or from the date of his departure from his place of residence in the case of a new officer or employee and for not to exceed three months after arrival at the new post, or until the establishment of residence quarters, whichever shall be shorter; and, in connection with separation of an officer or employee of the Service, the cost of packing and unpacking, transporting to and from a place of storage, and storing for a period not to exceed three months, his furniture and household and personal effects; but in no instance shall the weight or volume of the effects stored together with the weight or volume of the effects transported exceed the maximum limitations fixed by regulations, when not otherwise fixed by law.

(6) the travel expenses of the members of the family and the cost of transporting the personal effects and automobile of an officer or employee of the Service, whenever the travel of such officer or employee is occasioned by changes in the seat of the government whose capital is his post;

(7) the travel expenses and transportation costs incident to the removal of the members of the family of an officer or employee of the Service and his furniture and household and personal effects, including automobiles, from a post at which, because of the prevalence of

disturbed conditions, there is imminent danger to life and property, and the return of such persons, furniture, and effects to such post upon the cessation of such conditions; or to such other post as may in the meantime have become the post to which such officer or employee has been assigned;

(8) the cost of preparing and transporting to their former homes in the continental United States or to a place not more distant, the remains of an officer or employee of the Service who is a citizen of the United States and of the members of his family who may die abroad or while in travel status;

(9) the travel expenses of officers and employees of the Service who are citizens of the United States, and members of their families, while serving at posts specifically designated by the Secretary for purposes of this paragraph, for rest and recuperation to other locations abroad having different environmental conditions than those at the post at which such officers and employees are serving, provided that such travel expenses shall be limited to the cost for each officer or employee and members of his family of one round trip during any continuous two-year tour unbroken by home leave and two round trips during any continuous three-year tour unbroken by home leave;

(10) the travel expenses of members of the family accompanying, preceding, or following an officer or employee, if while he is en route to his post of assignment, he is ordered temporarily for orientation and training or is given other temporary duty;

(11) the travel expenses of officers and employees of the Service for up to two round trips each year for purposes of family visitation in situations where the family of the officer or employee is prevented by official order from accompanying such officer or employee to, or has been ordered evacuated from, his assigned post because of danger from hostile activity, except that, with respect to any such officer or employee whose dependents are located abroad, the Secretary may authorize such additional trips as he deems appropriate not to exceed the equivalent cost of two round trips of less than first class to the District of Columbia, and the travel expenses of officers or employees stationed abroad (or their dependents located abroad), for purposes of family visitation in emergency situations involving personal hardship: *Provided*, That the facilities of the Military Airlift Command shall be utilized whenever possible for travel authorized under this section.

(Aug. 13, 1946, ch. 957, title IX, § 911, 60 Stat. 1026; Apr. 5, 1955, ch. 23, § 11, 69 Stat. 27; Sept. 6, 1960, Pub. L. 86-707, title III, § 301(a), title V, § 511(a)(1), 74 Stat. 795, 800; Sept. 4, 1961, Pub. L. 87-195, pt. IV, § 708(3), 75 Stat. 464; Dec. 16, 1963, Pub. L. 88-205, pt. IV, § 404(b), 77 Stat. 391; Dec. 23, 1967, Pub. L. 90-221, § 1, 31 Stat. 671.)

AMENDMENTS

1967—Par. (11). Pub. L. 90-221 added par. (11).

1963—Par. (2). Pub. L. 88-205 authorized the Secretary to pay travel expenses of families accompanying the employee for representational purposes on authorized travel, but in no case for more than one family member.

1961—Pars. (9), (10). Pub. L. 87-195 added pars. (9) and (10). A prior par. (9) was repealed by section 511(a)(1) of Pub. L. 86-707.

1960—Par. (4). Pub. L. 86-707, § 301(a), authorized payment of the cost of packing and unpacking and transporting to and from a place of storage, extended the authority to pay storage costs for an officer or employee assigned to a post to which he cannot take or at which he is unable to use his furniture and household personal effects by eliminating provisions which restricted such payment only to cases where an emergency exists, empowered the Secretary to pay storage costs when it is in the public interest or more economical to authorize storage, and limited the weight or volume of the effects stored or the weight or volume of the effects transported to not more than the maximum limitations fixed by regulations, when not otherwise fixed by law.

Par. (5). Pub. L. 86-707, § 301(a), authorized payment of the cost of packing and unpacking and transporting to and from a place of storage, permitted payment from the date of departure from the officer's or employee's last post or from the date of departure from the place of residence in the case of a new officer or employee, empowered the Secretary to pay the storage costs in connection with the separation of an officer or employee from the Service, and limited the weight or volume of the effects stored or the weight or volume of the effects transported to not more than the maximum limitations fixed by regulations, when not otherwise fixed by law.

Par. (9). Pub. L. 86-707, § 511(a)(1), repealed former par. (9), which authorized the payment of travel expenses incurred by an officer or employee of the Service assigned to a foreign post, in transporting dependents to and from the United States to obtain an American secondary or college education, and were covered by section 3037 of former Title 5, Executive Departments and Government Officers and Employees.

1955—Par. (9). Act Apr. 5, 1955 added par. (9).

REPEALS

Section 708(3) of Pub. L. 87-195, which amended this section, was repealed by section 401 of Pub. L. 87-565, pt. IV, Aug. 1, 1962, 76 Stat. 263, except insofar as section 708(3) affected this section.

PAYMENT OF COST OF TRANSPORTATION AND STORAGE OF FURNITURE AND HOUSEHOLD AND PERSONAL EFFECTS

Pub. L. 86-678, title I, § 106, Aug. 31, 1960, 74 Stat. 561, authorized the Secretary of State, under such regulations as he may prescribe, to pay the cost of transportation to and from a place of storage and the cost of storing the furniture and household and personal effects of an employee of the Foreign Service who is assigned to a post at which he is unable to use his furniture and effects.

Similar provisions were contained in the following prior Appropriation Acts:

Pub. L. 86-84, title I, § 106, July 13, 1959, 73 Stat. 187.

Pub. L. 85-474, title I, § 106, June 30, 1958, 72 Stat. 249.

Pub. L. 85-49, title I, § 106, June 11, 1957, 71 Stat. 60.

The subject matter is covered by par. (4) of this section.

CLARIFICATION OF TERMS APPLIED TO FURNITURE, HOUSEHOLD GOODS, AND PERSONAL EFFECTS IN 1960 AMENDMENT

Section 301(d) of Pub. L. 86-707 provided that:

"The term 'furniture and household and personal effects', as used in the amendments made by this part to the Foreign Service Act of 1946, as amended [to pars. (4) and (5) of this section], and the Central Intelligence Agency Act of 1949, as amended [to section 403e(1)(D), (E) of Title 50, War and National De-

fense], and the term 'household goods and personal effects', as used in the amendments made by this part to the Administrative Expenses Act of 1946, as amended [amending subsec. (a) and adding subsec. (e) of section 73b-1 of former Title 5, Executive Departments and Government Officers and Employees], mean such personal property of an employee and the dependents of such employee as the Secretary of State and the Director of Central Intelligence, as the case may be, with respect to the term 'furniture and household and personal effects', and the President, with respect to the term 'household goods and personal effects', shall by regulation authorize to be transported or stored under the amendments made by this part to such Acts (including, in emergencies, motor vehicles authorized to be shipped at Government expense). Such motor vehicle shall be excluded from the weight and volume limitations prescribed by the laws set forth in this part."

Section 301(d) of Pub. L. 86-707 was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 661, insofar as it is applicable to the Administrative Expenses Act of 1946, as amended.

CROSS REFERENCES

Armed forces members assigned to State Department as couriers and building inspectors, right to travel expenses, see section 713 of Title 10, Armed Forces.

Benefits to Veterans' Administration employees in the Philippines who are United States citizens, similar to those provided in pars. (1) to (5) and (7) of this section, see section 235 of Title 38, Veterans' Benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 235.

§ 1137. Loan of household furnishings and equipment

The Secretary may, if he shall find it in the interests of the Government to do so as a means of eliminating transportation costs, provide officers and employees of the Service with basic household furnishings and equipment for use on a loan basis in personally owned or leased residences.

(Aug. 13, 1946, ch. 957, title IX, 912, 60 Stat. 1027; Sept. 8, 1960, Pub. L. 86-723, § 46, 74 Stat. 846.)

AMENDMENTS

1960—Pub. L. 86-723 inserted "furnishings and" in the catchline and substituted "basic household furnishings and equipment" for "household equipment".

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

§ 1138. Transportation of motor vehicles

The Secretary may, notwithstanding the provisions of any other law, transport for on behalf of an officer or employee of the Service, a privately owned motor vehicle in any case in which he shall determine that water, rail, or air transportation of the motor vehicle is necessary or expedient for all or any part of the distance between points of origin and destination. Not more than one motor vehicle of any such officer or employee may be transported under authority of this section during any four-year period, except that, as a replacement for such motor vehicle, one additional motor vehicle of any such officer or employee may be so transported during such period upon approval, in advance, by the Secretary and upon a determination, in advance, by the Secretary that such replacement is necessary for reasons beyond the control of the officer or employee and is in the interest of the Government. After the expiration of a period of four years following the date of transportation under authority of this section of a privately owned motor vehicle of any officer or employee who has remained in continuous service outside the continental United States (excluding Alaska and Hawaii) during such period, the transportation of a replacement for such motor vehicle for such officer or employee may be authorized by the Secretary in accordance with this section.

(Aug. 13, 1946, ch. 957, title IX, § 913, 60 Stat. 1027; Sept. 6, 1960, Pub. L. 86-707, title III, § 322, 74 Stat. 798; Sept. 8, 1960, Pub. L. 86-723, § 47, 74 Stat. 846.)

AMENDMENTS

1960—Pub. L. 86-707 limited the transportation of motor vehicles to one motor vehicle for any officer or employee during any four-year period, and authorized the Secretary, if he determines that replacement is necessary for reasons beyond the control of the officer or employee and is in the interest of the Government, to approve the transportation of an additional motor vehicle during the four-year period or after the expiration of four years following the date of transportation of a motor vehicle of any officer or employee who has remained in continuous service outside the continental United States (excluding Alaska and Hawaii). An identical amendment was made by Pub. L. 86-723.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

CROSS REFERENCES

Benefits to Veterans' Administration employees in the Philippines who are United States citizens, similar to those provided in this section, see section 235 of Title 38, Veterans' Benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5727; title 38 section 235.

§ 1138a. Transportation for Government employees and dependents

Notwithstanding the provisions of section 638a of title 31, the Secretary may authorize any principal officer to approve the use of Government owned or leased vehicles located at his post for transportation of United States Government employees and their dependents when public transportation is unsafe or not available.

(Aug. 13, 1946, ch. 957, title IX, § 914, as added Dec. 16, 1963, Pub. L. 88-205, pt. IV, § 404(c), 77 Stat. 391.)

CODIFICATION

"Section 638a of title 31", referred to in text, was classified (prior to the enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378) as section 78 of former Title 5, Executive Departments and Government Officers and Employees.

PART C—COMMISSARY AND MESS SERVICES AND RECREATION FACILITIES

§ 1139. Commissary and mess services and recreation facilities abroad

(a) Emergency situation

The Secretary may, under such regulations as he may prescribe, establish and maintain emergency commissary or mess services in such places abroad where, in his judgment, such services are necessary temporarily to insure the effective and efficient performance of the duties and responsibilities of the Service, such services to be available to the officers and employees of all Government agencies located in any such places abroad. Reimbursements incident to the maintenance and operation of commissary or mess service shall be at not less than cost as determined by the Secretary and shall be used as working funds: *Provided,* That an amount equal to the amount expended for such services shall be covered into the Treasury as miscellaneous receipts.

(b) Non-Government operation

The Secretary, under such regulations as he may prescribe, may authorize and assist in the establishment, maintenance, and operation, by officers and employees of the Service, of non-Government-operated commissary and mess services and recreation facilities at posts abroad, including the furnishing of space, utilities, and properties owned or leased by the United States for use by its diplomatic and consular missions. The provisions of the Foreign Service Buildings Act, 1926, as amended [22 U.S.C. 292 et seq.], may be utilized by the Secretary in providing such assistance. Commissary or mess services and recreation facilities established pursuant to this subsection shall be made available, insofar as practicable, to officers and employees of other Government agencies and their dependents who are stationed abroad. Such services or facilities shall not be established in localities where another United States agency operates similar services or facilities unless the Secretary determines that such additional services or facilities are necessary.

(c) Charges

Notwithstanding sections 4621(g) and 9621(g) of title 10, or the provisions of any other law, charges at any post abroad by a commissary or mess service or recreation facility authorized or assisted under this section shall be at the same rate for all civilian personnel of the Government serviced thereby, and all charges for supplies furnished to such a service or facility abroad by any Government agency shall be at the same rate as that charged by the furnishing agency to its civilian commissary or mess services or recreation facilities.

(Aug. 13, 1946, ch. 957, title IX, § 921, 60 Stat. 1027; July 28, 1956, ch. 770, § 12, 70 Stat. 705; Dec. 16, 1963, Pub. L. 88-205, pt. IV, § 404(c), 77 Stat. 391.)

REFERENCES IN TEXT

The Foreign Service Buildings Act, 1926, as amended, referred to in subsec. (b), is act May 7, 1926, ch. 250, 44 Stat. 403, as amended, which is classified generally to chapter 8 (§ 292 et seq.) of this title. For complete classification of this Act to the Code, see section 299 of this title and Tables volume.

CODIFICATION

"Sections 4621(g) and 9621(g) of title 10" were substituted for "the last paragraph under the heading 'Subsistence Department' in the Act of March 3, 1911 (10 U.S.C. 1253)" on authority of section 49(b) of act Aug. 10, 1956, ch. 1041, 70A Stat. 640, section 1 of which enacted Title 10, Armed Forces.

AMENDMENTS

1963—Subsec. (d). Pub. L. 88-205 repealed subsec. (d) which authorized the Secretary to authorize principal officers to approve use of Government vehicles at their posts for transportation of American citizen employees and their dependents to and from recreational facilities when public transportation is unsafe or unavailable. See section 1138a of this title.

1956—Act July 28, 1956, designated existing provisions as subsec. (a), eliminated therein the words "and pursuant to appropriations therefor," in the first sentence following the words "The Secretary may, under such regulations as he may prescribe," eliminated the words "each year" in the proviso, preceding "an amount equal", substituted "expended for such services" for "of the appropriation for such service" in the proviso, and added subsecs. (b) to (d).

§ 1140. Repealed. Oct. 31, 1951, ch. 654, § 1(43), 65 Stat. 703

Section, act July 5, 1946, ch. 541, title I, § 101, 60 Stat. 452, related to sale or exchange of Foreign Service automobiles abroad, and is covered by section 481 of Title 40, Public Buildings, Property, and Works.

PART D—LEAVES OF ABSENCE

§§ 1146, 1147. Repealed. Oct. 30, 1951, ch. 631, title II, § 207(a)(6), 65 Stat. 682

Sections, act Aug. 13, 1946, ch. 957, title IX, §§ 931, 932, 60 Stat. 1028, related to annual and sick leave for officers and employees in the Foreign Service, and are covered by section 6301 et seq. of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF REPEAL

Section 209 of act Oct. 30, 1951 provided that repeal of these sections was effective on Jan. 6, 1952.

§ 1148. Return of personnel to United States, its Territories and possessions on leaves of absence

(a) The Secretary may order to the continental United States, its territories and possessions, on statutory leave of absence any officer or employee of the Service who is a citizen of the United States upon completion of eighteen months' continuous service abroad and shall so order as soon as possible after completion of three years of such service.

(b) While in the continental United States, its Territories and possessions, on leave, the service of any officer or employee shall be available for such work or duties in the Department or elsewhere as the Secretary may prescribe, but the time of such work or duties shall not be counted as leave.

(Aug. 13, 1946, ch. 957, title IX, § 933, 60 Stat. 1028; Aug. 26, 1954, ch. 937, title V, § 544(e), as added July 18, 1956, ch. 627, § 11(a), 70 Stat. 563, and amended Sept. 4, 1961, Pub. L. 87-195, pt. IV, § 708(4), 75 Stat. 464.)

AMENDMENTS

1961—Subsec. (a). Pub. L. 87-195 substituted provisions permitting the Secretary to grant leaves of ab-

sence upon completion of 18 months' continuous service abroad and directing him to order such leaves as soon as possible after completion of three years of such service for provisions which required the Secretary to order leaves of absence upon completion of two years' continuous service abroad or as soon as possible thereafter.

1956—Act July 18, 1956, added section 544(e) to act Aug. 26, 1954, which section amended this section to include Territories and possessions of the United States.

REPEALS

Section 708(4) of Pub. L. 87-195, which amended this section, was repealed by section 401 of Pub. L. 87-565, pt. IV, Aug. 1, 1962, 76 Stat. 263, except insofar as section 708(4) affected this section.

Pub. L. 85-141 repealed section 544(e) of act Aug. 26, 1954, except in so far as section 544(e) affected this section.

CROSS REFERENCES

Benefits to Veterans' Administration employees in the Philippines who are United States citizens, similar to those provided in this section, see section 235 of Title 38, Veterans' Benefits.

Travel expenses, see section 1136 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1136, 1149 of this title; title 38 section 235.

§ 1149. Reserve officers assigned to the Service

(a) A Reserve officer, assigned to the Service from any Government agency shall, notwithstanding the provisions of any other law, be granted annual leave of absence and sick leave of absence in accordance with the provisions of sections 1146 to 1151 of this title during the period of his assignment.

(b) Under such regulations as the President may prescribe, a person assigned to the Service as a Reserve officer from any Government agency may, notwithstanding the provisions of sections 5551 and 6306 of title 5, transfer to the Service any annual or sick leave of absence standing to his credit at the time of his assignment to the Service. On his return to the agency by which he is regularly employed, he may transfer the aggregate of his accumulated and current annual and sick leave to that agency but the amount of leave so transferred shall not exceed the maximum which an officer or employee of the agency to which he is returning may have to his credit on the date of his return.

(Aug. 13, 1946, ch. 957, title IX, § 934, 60 Stat. 1028.)

REFERENCES IN TEXT

Sections 1146 and 1147, included in the enumeration of sections 1146 to 1151 of this title, referred to in subsec. (a), were repealed by act Oct. 30, 1951, ch. 631, title II, § 207(a)(6), 65 Stat. 682, and are covered by section 6301 et seq. of Title 5, Government Organization and Employees.

CODIFICATION

In subsec. (b), "sections 5551 and 6306 of title 5" was substituted for "the Act of December 21, 1944 (58 Stat. 845; 5 U.S.C. 61b)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

CROSS REFERENCES

Transfers between positions under difference leave systems, generally, see section 6308 of Title 5, Government Organization and Employees.

§ 1150. Transfers of leaves of absence

Under such regulations as the President may prescribe an officer or employee of the Service who resigns from the Service in order to accept an appointment in any Government agency may transfer to such Government agency any annual or sick leave of absence standing to his credit at the time of his resignation from the Service and any officer or employee of any Government agency who resigns from such agency in order to accept an appointment to the Service may transfer to the Service any annual or sick leave of absence standing to his credit at the time of his resignation from the Government agency in which he was employed, but in no event shall the amount of annual or sick leave of absence so transferred exceed the maximum amount of the annual or sick leave of absence which may be accumulated in either the Service or the Government agency to which such person is appointed, as the case may be.

(Aug. 13, 1946, ch. 957, title IX, § 935, 60 Stat. 1029.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1149 of this title.

§ 1151. Application of Annual and Sick Leave Act of 1951

Subchapter I of chapter 63 of title 5, shall apply to career ministers and Foreign Service officers, who are not serving as chiefs of mission or who are not serving in a position in the Department which requires appointment by the President, by and with the advice and consent of the Senate, and to Foreign Service Reserve officers who are commissioned as diplomatic or consular officers, or both, in accordance with section 924 of this title, notwithstanding the provisions of section 6301(2)(x) to (xii) of title 5.

(Aug. 13, 1946, ch. 957, title IX, § 936, as added July 28, 1956, ch. 770, § 17, 70 Stat. 708.)

CODIFICATION

"Subchapter I of chapter 63 of title 5" and "section 6301(2)(x) to (xii) of title 5" have been substituted for "The Annual and Sick Leave Act of 1951, as amended (5 U.S.C. 2061 et seq.)" and "section 202(c)(1)(A) of the Annual and Sick Leave Act of 1951, as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1149 of this title.

PART E—MEDICAL SERVICES

§ 1156. Expenses of treatment

(a) Officers and employees

In the event an officer or employee of the Service who is a citizen of the United States incurs an illness or injury while such person is located abroad, which requires hospitalization

or similar treatment, and which is not the result of vicious habits, intemperance, or misconduct on his part, the Secretary may, in accordance with such regulations as he may prescribe, pay for the cost of treatment of such illness or injury.

(b) Dependents

In the event a dependent of a United States citizen officer or employee of the Service who is stationed abroad, incurs an illness or injury while such dependent is located abroad, which requires hospitalization or similar treatment, and which is not the result of vicious habits, intemperance, or misconduct on his part, the Secretary may, in accordance with such regulations as he may prescribe, pay for that portion of the cost of treatment of each such illness or injury that exceeds $35 up to a maximum limitation of one hundred and twenty days of treatment for each such illness or injury, except that such maximum limitation shall not apply whenever the Secretary, on the basis of professional medical advice, shall determine that such illness or injury clearly is caused by the fact that such dependent is or has been located abroad.

(c) Medical care contracts

After sufficient experience in the operation of the medical protection plan authorized in subsections (a) and (b) of this section has been obtained, as determined by the Secretary, and if he considers that the benefits so authorized can be provided for as well and as cheaply in other ways, the Secretary may, under such regulations, and for such persons, locations, and conditions as he may deem appropriate, and within the limits prescribed in such subsections, contract for medical care pursuant to such arrangements, insurance, medical service, or health plans as he may deem appropriate.

(Aug. 13, 1946, ch. 957, title IX, § 941, 60 Stat. 1029; July 28, 1956, ch. 770, § 13, 70 Stat. 706.)

AMENDMENTS

1956—Act July 28, 1956, eliminated reference to requirement that illness or injury be incurred in line of duty, added after "hospitalization" the words "or similar treatment", designated the amended provisions as subsec. (a) and added subsecs. (b) and (c).

CROSS REFERENCES

Benefits to Veterans' Administration employees in the Philippines who are citizens of the United States, similar to those provided in this section, see section 235 of Title 38, Veterans' Benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 235.

§ 1157. Travel for medical purposes; establishment of first-aid stations; employment of medical personnel

(a) In the event an officer or employee of the Service who is a citizen of the United States or one of his dependents, requires medical care, for illness or injury not the result of vicious habits, intemperance or misconduct, while stationed abroad in a locality where there is no qualified person or facility to provide such care, the Secretary may, in accordance with such regulations as he may prescribe, pay the travel expenses of such person by whatever means he shall deem appropriate, including the furnishing of transportation, and without regard to the Standardized Government Travel Regulations and section 5731 of title 5, to the nearest locality where suitable medical care can be obtained. If any such officer, employee, or dependent is too ill to travel unattended, or in the case of a dependent too young to travel alone, the Secretary may also pay the round-trip travel expenses of an attendant or attendants.

(b) The Secretary may establish a first-aid station and provide for the services of a physician, a nurse, or other medical personnel at a post at which, in his opinion, sufficient personnel is employed to warrant such a station.

(Aug. 13, 1946, ch. 957, title IX, § 942, 60 Stat. 1029; July 28, 1956, ch. 770, § 14, 70 Stat. 706; Sept. 4, 1961, Pub. L. 87-195, pt. IV, § 708(5), 75 Stat. 464.)

CODIFICATION

In subsec. (a), "section 5731 of title 5" was substituted for "section 10 of the Act of March 3, 1933 (47 Stat. 1516; 5 U.S.C. 73b)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1961—Subsec. (a). Pub. L. 87-195 extended the provisions which limited payment of travel expenses to cases where citizen officers and employees of the Service or their dependents required hospitalization to permit payment of such expenses in cases where such persons require medical care, and empowered the Secretary to pay round-trip travel expenses of an attendant or attendants to accompany a dependent too young to travel alone.

1956—Subsec. (a). Act July 28, 1956, § 14(a), permitted Secretary of State to pay expenses of transporting a dependent to a hospital or clinic when medical facilities are inadequate, and provided for attendants to accompany patients too ill to travel unattended.

Subsec. (b). Act July 28, 1956, § 14(b), substituted "a physician, a nurse, or other medical personnel" for "a nurse".

REPEALS

Section 708(5) of Pub. L. 87-195, which amended this section, was repealed by section 401 of Pub. L. 87-565, pt. IV, Aug. 1, 1962, 76 Stat. 263, except insofar as section 708(5) affected this section.

§ 1158. Physical examinations; inoculations

The Secretary shall, under such regulations as he may prescribe, provide for physical examinations for applicants for employment and for officers and employees of the Service who are citizens of the United States, and for their dependents, including examinations necessary to establish disability or incapacity in accordance with the provisions of section 1081 of this title, and shall provide for administering inoculations or vaccinations to such officers and employees and their dependents.

(Aug. 13, 1946, ch. 957, title IX, § 943, 60 Stat. 1029; Apr. 5, 1955, ch. 23, § 12, 69 Stat. 27; July 28, 1956, ch. 770, § 15, 70 Stat. 707.)

AMENDMENTS

1956—Act July 28, 1956, authorized preemployment examinations for applicants and their dependents.

1955—Act Apr. 5, 1955, added ", and their dependents" after "United States" and again at the end of the section.

§ 1159. Medical services after death or separation

Under such regulations as he may prescribe, the Secretary is authorized to provide medical services under this part beyond the date of death or separation of an officer or employee.

(Aug. 13, 1946, ch. 957, title IX, § 944, as added Dec. 23, 1967, Pub. L. 90-221, § 2, 81, Stat. 671.)

SUBCHAPTER X—POWERS, DUTIES, AND LIABILITIES OF CONSULAR OFFICERS GENERALLY

CODIFICATION

Subchapter was not enacted as a part of the "Foreign Service Act of 1946", which comprises this chapter.

CROSS REFERENCES

Certification of invoices, see sections 1180 to 1182 of this title, and section 1482 of Title 19, Customs Duties.

Naval officers as consul when upon the high seas or in a foreign port where there is no resident consul, see section 5948 of Title 10, Armed Forces.

Powers and duties of consular officers with respect to merchant seamen, see sections 1174 and 1187 of this title, and chapter 18 of Title 46, Shipping.

§ 1171. General application of provisions to consular officers

The various provisions of sections 168, 1173 to 1177, 1180, 1182, 1184, 1185, 1187 to 1194, and 1196 to 1203 of this title which are expressed in terms of general application to any particular classes of consular officers, shall be deemed to apply as well to all other classes of such officers, so far as may be consistent with the subject matter of the same and with the treaties of the United States.

(R.S. § 1689.)

REFERENCES IN TEXT

Sections 168, 1173 to 1177, 1180, 1182, 1184, 1185, 1187 to 1194, and 1196 to 1203, referred to in text, was, in the original, "this title", meaning Title 18 of the Revised Statutes, comprising R.S. 1674 to 1752.

Section 168 of this title, referred to in the text, was repealed by Joint Res. Aug. 1, 1956, ch. 807, 70 Stat. 774, to become effective upon date which President determines to be appropriate for relinquishment of consular jurisdiction of United States in Morocco, excepting so far as may be necessary disposition of cases then pending in the consular courts in Morocco. Jurisdiction of the United States in Morocco was relinquished on Oct. 6, 1956, pursuant to a memorandum from President Eisenhower to the Secretary of State dated Sept. 15, 1956, and all pending cases were disposed of by 1960; see Bulletin of the State Department, Vol. 35:909, page 844.

Section 1196, referred to in the text, was repealed by act June 28, 1955, ch. 196, 69 Stat. 187.

CODIFICATION

R.S. § 1689 was from act Aug. 18, 1856, ch. 127, § 31, 11 Stat. 64.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

§ 1172. Solemnization of marriages

Marriages in presence of any consular officer of the United States in a foreign country, between persons who would be authorized to marry if residing in the District of Columbia, shall be valid to all intents and purposes, and shall have the same effect as if solemnized within the United States. And such consular officer shall, in all cases, give to the parties married before them a certificate of such marriage, and shall send another certificate thereof to the Department of State, there to be kept; such certificate shall specify the names of the parties, their ages, places of birth, and residence.

(R.S. § 4082.)

CODIFICATION

R.S. § 4082 was from act June 22, 1860, ch. 179, § 31, 12 Stat. 79.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

§ 1173. Protests

Consuls and vice consuls shall have the right, in the ports or places to which they are severally appointed, of receiving the protests or declarations which captains, masters, crews, passengers, or merchants, who are citizens of the United States, may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizen of the United States.

(R.S. § 1707; June 25, 1948, ch. 646, § 39, 62 Stat. 992.)

CODIFICATION

R.S. § 1707 was from act Apr. 14, 1792, ch. 24, § 2, 1 Stat. 255.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

AMENDMENTS

1948—Act June 25, 1948, repealed second sentence relating to authenticated copies of consular acts received as evidence.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment of this section shall be effective as of Sept. 1, 1948.

CROSS REFERENCES

Copies of consular papers admissible in evidence, see section 1740 of Title 28, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1174. Lists and returns of seamen and vessels, etc.

Every consular officer shall keep a detailed list of all seamen and mariners shipped and discharged by him, specifying their names and the names of the vessels on which they are shipped and from which they are discharged, and the payments, if any, made on account of each so discharged; also of the number of the vessels arrived and departed, the amounts of their registered tonnage, and the number of their seamen and mariners, and of those who are protected, and whether citizens of the United States or not, and as nearly as possible the nature and value of their cargoes, and where produced, and shall make returns of the same, with their accounts and other returns, to the Secretary of Commerce.

(R.S. § 1708; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829.)

CODIFICATION

R.S. § 1708 was from act Aug. 18, 1856, ch. 127, § 27, 11 Stat. 62.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

TRANSFER OF FUNCTIONS

Certain shipping and navigation functions of the Secretary of Commerce were transferred to the Commandant of the Coast Guard and the Commissioner of Customs by Reorg. Plan No. 3 of 1946, §§ 101 to 104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097, 1098 set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Consular powers as to seamen extended to United States naval officers in certain instances, see section 5948 of Title 10, Armed Forces.

Other powers and duties of consular officers as to merchant seamen, see section 541 et seq. of Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1175. Estates of decedents generally; General Accounting Office as conservator

It shall be the duty of a consular officer, or, if no consular officer is present, a diplomatic officer, under such procedural regulations as the Secretary of State may prescribe—

First. To take possession and to dispose of the personal estate left by any citizen of the United States, except a seaman who is a member of the crew of an American vessel, who shall die within or is domiciled at time of death within his jurisdiction: *Provided*, That such procedure is authorized by treaty provisions or permitted by the laws or authorities of the country wherein the death occurs, or the decedent is domiciled, or that such privilege is accorded by established usage: *Provided further*, That the decedent shall leave in the country where the death occurred or where he was domiciled, no legal representative, partner in trade, or trustee by him appointed to take care of his personal estate. A consular officer or, in his absence, a diplomatic officer shall act as the provisional conservator of the personal property within his jurisdiction of a deceased citizen of the United States but, unless authorized by treaty provisions, local law, or usage, he shall not act as administrator of such personal property. He shall render assistance in guarding, collecting, and transmitting the property to the United States to be disposed of according to the law of the decedent's domicile.

Second. After having taken possession of the personal property, as provisional conservator, to inventory and carefully appraise the effects, article by article, with the assistance of two competent persons who, together with such officer, shall sign the inventory and annex thereto an appropriate certificate as to the accuracy of the appraised value of each article.

Third. To collect the debts due to the decedent in his jurisdiction and pay from the estate the obligations owed there by the decedent.

Fourth. To sell at auction, after reasonable public notice, unless the amount involved does not justify such expenditure, such part of the estate as shall be of a perishable nature, and after reasonable public notice and notice to next of kin if they can be ascertained by reasonable diligence such further part, if any, as shall be necessary for the payment of the decedent's debts incurred in such country, and funeral expenses, and expenses incident to the disposition of the estate. If, at the expiration of one year from the date of death (or for such additional period as may be required for final settlement of the estate), no claimant shall appear, the residue of the estate, with the exception of investments of bonds, shares of stocks, notes of indebtedness, jewelry or heirlooms, or other articles having a sentimental value, shall be sold.

Fifth. To transmit to the General Accounting Office the proceeds of the sale (and any unsold effects, such as investments of bonds, shares of stocks, notes of indebtedness, jewelry or heirlooms, or other articles having a sentimental value), there to be held in trust for the legal claimant. If, however, at any time prior to such transmission, the decedent's legal representative should appear and demand the proceeds and effects in the officer's hands, he shall deliver them to such representative after having collected the prescribed fee therefor.

The Comptroller General of the United States, or such member of the General Accounting Office as he may duly empower to act as his representative for the purpose, shall act as conservator of such parts of these estates as may be received by the General Accounting Office or are in its possession, and may, when deemed to be in the interest of the estate, sell such effects, including bonds, shares of stock, notes of indebtedness, jewelry, or other articles, which have heretofore or may hereafter be so received, and pay the expenses of such sale out of the proceeds: *Provided*, That application for such effects shall not have been made by the legal claimant within six years after their receipt. The Comptroller General is authorized, for and in behalf of the estate of the deceased, to receive any balances due to such estates, to draw therefor on banks, safe deposits, trust or loan companies, or other like institutions, to endorse all checks, bills of exchange, promissory notes, and other evidences of indebtedness due to such estates, and take such other action as may be deemed necessary for the conservation of such estates. The net proceeds of such sales, together with such other moneys as may be collected by him, shall be deposited into the Treasury to a fund in trust for the legal claimant and reported to the Secretary of State.

If no claim to the effects the proceeds of which have been so deposited shall have been received from a legal claimant of the deceased within six years from the date of the receipt of the effects by the General Accounting Office, the funds so deposited, with any remaining unsold effects, less transmittal charges, shall be transmitted by that office to the proper officer of the State or Territory of the last domicile in the United States of the deceased citizen, if known, or, if not, such funds shall be covered into the general fund of the Treasury as miscel-

laneous receipts on account of proceeds of deceased citizens, and any such remaining unsold effects shall be disposed of by the General Accounting Office in such manner as, in the judgment of the Comptroller General, is deemed appropriate, or they may be destroyed if considered no longer possessed of any value: *Provided*, That when the estate shall be valued in excess of $500, and no claim therefor has been presented to the General Accounting Office by a legal claimant within the period specified in this paragraph or the legal claimant is unknown, before disposition of the estate as provided herein, notice shall be given by publishing once a week for four consecutive weeks in a newspaper published in the county of the last known domicile of the deceased, in the United States, the expense thereof to be deducted from the proceeds of such estate, and any lawful claim received as the result of such advertisement shall be adjusted and settled as provided for herein.

(R.S. § 1709; Mar. 3, 1911, ch. 223, 36 Stat. 1083; June 10. 1921, ch. 18, § 304, 42 Stat. 24; July 12, 1940, ch. 618, 54 Stat. 758.)

CODIFICATION

R.S. § 1709 was from act Apr. 14, 1792, ch. 24, § 2, 1 Stat. 255.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

The words "The General Accounting Office," were substituted in the fifth provision of this section, for the words "The Auditor for the State and other Departments" and "The Auditor" which were used in former sixth provision, presently fifth, by act June 10, 1921.

Act Mar. 3, 1911, added a sixth provision, the substance of which is presently incorporated in the second par. of the fifth provision.

AMENDMENTS

1940—Act July 12, 1940, amended section generally.

CROSS REFERENCES

Acceptance by consular officers of appointment from any foreign state as administrator, guardian, etc., see sections 1178 and 1179 of this title.

Duties of consular officers where seaman, dying out of United States, leaves money or effects not on board of his vessel, see section 624 of Title 46, Shipping.

Embezzlement by a consular officer of money, property, etc., of a citizen of the United States received by him made punishable, see section 1198 of this title.

Estates of Decedents, Department of State, Trust Fund, see section 725s of Title 31, Money and Finance.

Permanent appropriation for payment of the proceeds of the personal estates of American citizens who die abroad, to their legal representatives, see section 711 of Title 31.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1176. Notification of death of decedent; transmission of inventory of effects

For the information of the representative of the deceased, the consular officer, or, if no consular officer is present, a diplomatic officer, in the settlement of his estate shall immediately notify his death in one of the gazettes published in the consular district, and also to the Secretary of State, that the same may be notified in the State to which the deceased belonged; and he shall, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased taken as before directed.

(R.S. § 1710; July 12, 1940, ch. 618, 54 Stat. 758.)

CODIFICATION

R.S. § 1710 was from act Apr. 14, 1792, ch. 24, § 2, 1 Stat. 255.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

AMENDMENTS

1940—Act July 12, 1940, substituted "the consular officer, or, if no consular officer is present, a diplomatic officer," for "the consul or vice-consul,".

CROSS REFERENCES

Inventory directed to be taken, see paragraph "Second" of section 1175 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1177. Following testamentary directions; assistance to testamentary appointee

When a citizen of the United States dies in a foreign country and leaves, by any lawful testamentary disposition, special directions for the custody and management, by the consular officer, or in his absence a diplomatic officer, within whose jurisdiction the death occurred, of the personal property in the foreign country which he possessed at the time of death, such officer shall, so far as the laws of the foreign country permit, strictly observe such directions if not contrary to the laws of the United States. If such citizen has named, by any lawful testamentary disposition, any other person than a consular officer or diplomatic officer to take charge of and manage such property, it shall be the duty of the officer, whenever required by the person so named, to give his official aid in whatever way may be practicable to facilitate the proceedings of such person in the lawful execution of his trust, and, so far as the laws of the country or treaty provisions permit, to protect the property of the deceased from any interference by the authorities of the country where such citizen died. To this end it shall be the duty of the consular officer, or if no consular officer is present a diplomatic officer, to safeguard the decedent's property by placing thereon his official seal and to break and remove such seal only upon the request of the person designated by the deceased to take charge of and manage his property.

(R.S. § 1711; July 12, 1940, ch. 618, 54 Stat. 758.)

CODIFICTAION

R.S. § 1711 was from act Aug. 18, 1856, ch. 127, § 28, 11 Stat. 63.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

AMENDMENTS

1940—Act July 12, 1940, amended section generally.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1178. Bond as administrator or guardian; action on bond

No consular officer of the United States shall accept an appointment from any foreign state as administrator, guardian, or to any other office or trust for the settlement or conservation of estates of deceased persons or of their heirs or of persons under legal disabilities, without executing a bond, with security, to be approved by the Secretary of State, and in a penal sum to be fixed by him and in such form as he may prescribe, conditioned for the true and faithful performance of all his duties according to law and for the true and faithful accounting for delivering, and paying over to the persons thereto entitled of all moneys, goods, effects, and other property which shall come to his hands or to the hands of any other person to his use as such administrator, guardian, or in other fiduciary capacity. Said bond shall be deposited with the Secretary of the Treasury. In case of a breach of any such bond, any person injured by the failure of such officer faithfully to discharge the duties of his said trust according to law, may institute, in his own name and for his sole use, a suit upon said bond and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue in due form; but if such party fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant; and the United States shall in no case be liable for the same. The said bond shall remain, after any judgment rendered thereon, as a security for the benefit of any person injured by a breach of the condition of the same until the whole penalty has been recovered.

(June 30, 1902, ch. 1331, § 1, 32 Stat. 546.)

Codification

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

Section Referred to in Other Sections

This section is referred to in section 1179 of this title.

§ 1179. Penalty for failure to give bond and for embezzlement

Every consular officer who accepts any appointment to any office of trust mentioned in section 1178 of this title without first having complied with the provisions thereof by due execution of a bond as therein required, or who shall willfully fail or neglect to account for, pay over, and deliver any money, property, or effects so received to any person lawfully entitled thereto, after having been requested by the latter, his representative or agent so to do, shall be deemed guilty of embezzlement and shall be punishable by imprisonment for not more than five years and by a fine of not more than $5,000.

(June 30, 1902, ch. 1331, § 2, 32 Stat. 547.)

Codification

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

Cross References

Embezzlement and theft, see section 641 et seq. of Title 18, Crimes and Criminal Procedure.

Embezzlement of fees or of effects of American citizens, see section 1198 of this title.

Felony as offense punishable by imprisonment for term exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 1180. Certification of invoices generally

No consular officer shall certify any invoice unless he is satisfied that the person making oath thereto is the person he represents himself to be, that he is a credible person, and that the statements made under such oath are true; and he shall, thereupon, by his certificate, state that he was so satisfied.

(R.S. § 1715.)

Codification

R.S. § 1715 was from act Aug. 18, 1856, ch. 127, § 27, 11 Stat. 62.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

Cross References

Certification of invoices, see sections 338 to 341, and 1482 of Title 19, Customs Duties.

False certification of invoices and other papers, by consular officers, see section 1019 of Title 18, Crimes and Criminal Procedure.

Invoices covering merchandise exceeding $100 in value to be certified, see section 1482 of Title 19, Customs Duties.

Section Referred to in Other Sections

This section is referred to in section 1171 of this title.

§ 1181. Fees for certification of invoices

Fees for the consular certification of invoices shall be, and they are, included with the fees for official services for which the President is authorized by section 1201 of this title to prescribe rates or tariffs.

(Apr. 5, 1906, ch. 1366, § 9, 34 Stat. 101.)

Codification

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

A further provision of section 9 of act Apr. 5, 1906, repealed R.S. § 2851, which provided for certification of invoices of imported merchandise by the collector of the post, and R.S. § 1721, which prescribed a fee of one dollar to be charged by the consul-general for the British North American provinces, for certifying invoices of goods not exceeding $100 in value.

§ 1182. Exaction of excessive fees for verification of invoices; penalty

The fee provided by law for the verification of invoices by consular officers shall, when paid, be held to be a full payment for furnishing blank forms of declaration to be signed by the shipper, and for making, signing, and sealing the certificate of the consular officer thereto; and any consular officer who, under pretense of charging for blank forms, advice, or clerical services in the preparation of such declaration or certificate, charges or receives any fee greater in amount than that provided by law for the verification of invoices, or who demands or receives for any official services, or who allows any clerk or subordinate to receive

for any such service, any fee or reward other than the fee provided by law for such service, shall be punishable by imprisonment for not more than one year, or by a fine of not more than $2,000, and shall be removed from his office.

(R.S. § 1716.)

CODIFICATION

R.S. § 1716 was from act Mar. 3, 1869, ch. 125, § 3, 15 Stat. 321.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

CROSS REFERENCES

Misdemeanor as offense punishable by imprisonment for term not exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

Refunding excessive fees, with a penalty for the collection thereof, see section 1189 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1183. Destruction of old invoices

The Secretary of State is authorized to cause, from time to time, the destruction of invoices that have been filed in the consular offices for a period of more than five years.

(Feb. 24, 1903, ch. 753, 32 Stat. 854.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

CROSS REFERENCES

Original of invoice to be filed in office of consular officer by whom certified, see section 1482 of Title 19, Customs Duties.

§ 1184. Restriction as to certificate for goods from countries adjacent to United States

No consular officer of the United States shall grant a certificate for goods, wares, or merchandise shipped from countries adjacent to the United States which have passed a consulate after purchase for shipment.

(R.S. § 1717.)

CODIFICATION

R.S. § 1717 was from act Feb. 22, 1873, ch. 184, § 3, 17 Stat. 474.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

CROSS REFERENCES

Restriction on consular certificates, see section 339 of Title 19, Customs Duties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1185. Retention of papers of American vessels until payment of demands and wages

All consular officers are authorized and required to retain in their possession all the papers of vessels of the United States, which shall be deposited with them as directed by law, till payment shall be made of all demands and wages on account of such vessels.

(R.S. § 1718.)

CODIFICATION

R.S. § 1718 was from act Aug. 18, 1856, ch. 127, § 28, 11 Stat. 63.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

CROSS REFERENCES

Deposit of ships' papers with consular officers by masters of vessels, see section 354 of Title 46, Shipping.

Entry of American and foreign vessels, see sections 1434 and 1435 of Title 19, Customs Duties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1186. Fees for services to American vessels or seamen prohibited

No fees named in the tariff of consular fees prescribed by order of the President shall be charged or collected by consular officers for the official services to American vessels and seamen. Consular officers shall furnish the master of every such vessel with an itemized statement of such services performed on account of said vessel, with the fee so prescribed for each service, and make a detailed report to the Secretary of the Treasury of such services and fees, under such regulations as the Secretary of State may prescribe.

(June 26, 1884, ch. 121, § 12, 23 Stat. 56.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

Provisions of section 12 of act June 26, 1884, permitting the Secretary of the Treasury to allow consular officers who are paid in whole or in part by fees such compensation for their services as they would have received but for the prohibition in this section were superseded by section 99 of this title and were omitted, as was a provision of said section appropriating a sum sufficient for the payment of the compensation herein mentioned.

CROSS REFERENCES

Adjustments, see section 725a of Title 31, Money and Finance.

§ 1187. Profits from dealings with discharged seamen; prohibition

No consular officer, nor any person under any consular officer shall make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner is entitled who is discharged in any foreign country, or for any money advanced to any such seaman or mariner who seeks relief from any consulate; nor shall any consular officer, or any person under any consular officer, be interested, directly or indirectly, in any profit derived from clothing, boarding or otherwise supplying or sending home any such seaman or mariner. Such prohibition as to profit, however, shall not be construed to relieve or prevent any such officer who is the owner of or otherwise interested in any vessel of the United States from transporting in such vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation by law.

(R.S. § 1719; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

CODIFICATION

R.S. § 1719 was from act Aug. 18, 1856, ch. 127, § 20, 11 Stat. 59.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

CROSS REFERENCES

Discharge and return by consular officers of seamen, see chapter 18 of Title 46, Shipping, and particularly sections 658, 678, 679, 682, 683, and 685 thereof.

Liability of consul respecting the shipment and discharge of seamen, etc., see section 1199 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1188. Valuation of foreign coins in payment of fees

Consuls, vice consuls, and consular agents in the Dominion of Canada, in the collection of official fees, shall receive foreign moneys at the rate given in the Treasury schedule of the value of foreign coins.

(R.S. § 1722; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

CODIFICATION

R.S. § 1722 was from act Mar. 3, 1869, ch. 125, § 3, 15 Stat. 321.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

CROSS REFERENCES

Medium for payment of fees, see section 1202 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1189. Exaction of excessive fees generally; penalty of treble amount

Whenever any consular officer collects, or knowingly allows to be collected for any service, any other or greater fees than are allowed by law for such service, he shall, besides his liability to refund the same, be liable to pay to the person by whom or in whose behalf the same are paid, treble the amount of the unlawful charge so collected, as a penalty, to be recovered with costs, in any proper form of action, by such person for his own use. And in any such case the Secretary of the Treasury may retain, out of the compensation of such officer, the amount of such overcharge and of such penalty, and charge the same to such officer in account, and may thereupon refund such unlawful charge, and pay such penalty to the person entitled to the same if he shall think proper so to do.

(R.S. § 1723.)

CODIFICATION

R.S. § 1723 was from act Aug. 18, 1856, ch. 127, § 17, 11 Stat. 58.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

CROSS REFERENCES

Exaction of excessive fees for verification of invoices made punishable, see section 1182 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1190. Liability for uncollected fees

Every consul general, consul, or vice consul appointed to perform the duty of any such officer, who omits to collect any fees which he is entitled to charge for any official service, shall be liable to the United States therefor, as if he had collected the same; unless, upon good cause shown therefor, the Secretary of the Treasury shall think proper to remit the same.

(R.S. § 1724; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

CODIFICATION

R.S. § 1724 was from act Aug. 18, 1856, ch. 127, § 18, 11 Stat. 58.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1191. Returns as to fees by officers compensated by fees

All consular agents, as are allowed for their compensation the whole or any part of the fees which they may collect, shall make returns in such manner as the Comptroller General of the United States shall prescribe, of all such fees as they or any person in their behalf so collect.

(R.S. § 1725; July 31, 1894, ch. 174, § 5, 28 Stat. 206; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

CODIFICATION

R.S. § 1725 was from act Aug. 18, 1856, ch. 127, § 18, 11 Stat. 58.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1192. Receipt for fees; numbering receipts

Every consular officer shall give receipts for all fees collected for his official services, expressing the particular services for which the same were collected. He shall number all receipts given by him for fees received for official services, in the order of their dates, beginning with number one at the commencement of the period of his service, and on the first day of January in every year thereafter.

(R.S. §§ 1726, 1727.)

CODIFICATION

R.S. §§ 1726, 1727 were from act Aug. 18, 1856, ch. 127, §§ 17, 18, 11 Stat. 58.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1193. Registry of fees

Every consular officer shall also register in a book to be kept by him for that purpose all fees so received by him, in the order in which they are received, specifying each item of service and the amount received therefor, from whom, and the dates when received, and if for any service connected with any vessel, the name thereof, and indicating what items and amounts are embraced in each receipt given by him therefor, and numbering the same according to the number of the receipts, respectively, so that the receipts and register shall correspond with each other; and he shall, in such register, specify the name of the person for whom, and the date when he shall grant, issue, or verify any passport, certify any invoice, or perform any other official service in the entry of the receipt of the fees therefor, and also number each consular act so receipted for with the number of such receipt, and as shown by such register.

(R.S. § 1727.)

CODIFICATION

R.S. § 1727 was from act Aug. 18, 1856, ch. 127, § 18, 11 Stat. 58.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1194. Account of fees; certification

Every consular officer responsible for the collection of fees, in rendering his account of fees received, shall furnish a full transcript of the register which he is required to keep, and certify that such transcript is an accurate and complete record of all fees received for the period shown.

(R.S. § 1728; June 28, 1955, ch. 196, 69 Stat. 187.)

CODIFICATION

R.S. § 1728 was from act Aug. 18, 1856, ch. 127, § 18, 11 Stat. 58.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

AMENDMENTS

1955—Act June 28, 1955, permitted certification by consular officers of their account of fees.

CROSS REFERENCES

Embezzlement of fees or of effects of American Citizens, see section 1198 of this title.

Perjury, see sections 1621, 1622, and 3185 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1195. Notarial acts, oaths, affirmations, affidavits, and depositions; fees

Every consular officer of the United States is required, whenever application is made to him therefor, within the limits of his consulate, to administer to or take from any person any oath, affirmation, affidavit, or deposition, and to perform any other notarial act which any notary public is required or authorized by law to do within the United States; and for every such notarial act performed he shall charge in each instance the appropriate fee prescribed by the President under section 1201 of this title.

(Apr. 5, 1906, ch. 1366, § 7, 34 Stat. 101.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

CROSS REFERENCES

Oaths, affirmations, affidavits, or depositions, see section 1203 of this title.

§ 1196. Repealed. June 28, 1955, ch. 196, 69 Stat. 187

Section, acts Apr. 5, 1906, ch. 1366, § 10, 34 Stat. 102; May 24, 1924, ch. 182, § 11, 43 Stat. 142, required consular officers to affix official fee stamps to documents in the performance of any consular or notarial act.

§ 1197. Posting rates of fees

It shall be the duty of all consular officers at all times to keep posted up in their offices, respectively, in a conspicuous place, and subject to the examination of all persons interested therein, a copy of such rates or tariffs as shall be in force.

(R.S. § 1731.)

CODIFICATION

R.S. § 1731 was from act Aug. 18, 1856, ch. 127, § 16, 11 Stat. 57.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1198. Embezzlement of fees or of effects of American citizens

Every consular officer who willfully neglects to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or who neglects to pay over any balance of said moneys due to the United States at the expiration of any quarter, before the expiration of the next succeeding quarter, or who shall receive money, property, or effects belonging to a citizen of the United States and shall not within a reasonable time after demand made upon him by the Secretary of State or by such citizen, his executor, administrator, or legal representative, account for and pay over all moneys, property, and effects, less his lawful fees, due to such citizen, shall be deemed guilty of embezzlement, and shall be punishable by imprisonment for not more than five years, and by a fine of not more than $2,000.

(R.S. § 1734; Dec. 21, 1898, ch. 36, § 3, 30 Stat. 771.)

CODIFICATION

R.S. § 1734 was from act Mar. 3, 1869, ch. 125, § 5, 15 Stat. 322.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

CROSS REFERENCES

Embezzlement and theft, see chapter 31 of Title 18, Crimes and Criminal Procedure.

Offenses classified, see section 1 of Title 18.

Penalty for failure to give bond and for embezzlement, perjury, and making false oaths in accounting for fees, see sections 1179 and 1194 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1199. Liability for neglect of duty or for malfeasance generally; penalty

Whenever any consular officer willfully neglects or omits to perform seasonably any duty imposed upon him by law, or by any order or instruction made or given in pursuance of law, or is guilty of any willful malfeasance or abuse of power, or of any corrupt conduct in his office, he shall be liable to all persons injured by any such neglect, or omission, malfeasance, abuse, or corrupt conduct, for all damages occasioned thereby; and for all such damages, he shall be responsible thereon to the full amount thereof to be sued in the name of the United States for the use of the person injured. Such suit, however, shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States, as against any officer for every willful act of malfeasance or corrupt conduct in his office. If any consul neglects or omits to perform seasonably the duties imposed upon him by the laws regulating the shipment and discharge of seamen, or is guilty of any malversation or abuse of power, he shall be liable to any injured person for all damage occasioned thereby; and for all malversation and corrupt conduct in office, he shall be punishable by imprisonment for not more than five years and not less than one, and by a fine of not more than $10,000 and not less than $1,000.

(R.S. §§ 1735, 1736; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100; June 6, 1972, Pub. L. 92-310, title II, § 227(a), 86 Stat. 207.)

CODIFICATION

R.S. § 1735 was from act Aug. 18, 1856, ch. 127, § 32, 11 Stat. 64.

R.S. § 1736 was from act July 20, 1840, ch. 48, § 18, 5 Stat. 397.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

AMENDMENTS

1972—Pub. L. 92-310 eliminated provisions which related to the official bond of the consular officer and the sureties thereon.

CROSS REFERENCES

Felony as offense punishable by imprisonment for term exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title; title 31 section 1204.

§ 1200. False certificate as to ownership of property

If any consul or vice consul falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years, and by a fine of not more than $10,000.

(R.S. § 1737; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

CODIFICATION

R.S. § 1737 was from act Feb. 22, 1803, ch. 9, § 7, 2 Stat. 204.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

CROSS REFERENCES

False certification of invoice, or other paper, by a consular officer, made punishable, see section 1019 of Title 18, Crimes and Criminal Procedure.

Felony as offense punishable by imprisonment for term exceeding one year, see section 1 of Title 18.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1201. Regulation of fees by President

The President is authorized to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business of the several embassies, legations, and consulates, and to adapt the same, by such differences as may be necessary or proper, to each embassy, legation, or consulate; and it shall be the duty of all officers and persons connected with such embassies, legations, and consulates to collect for such official services such and only such fees as may be prescribed for their respective embassies, legations, and consulates, and such rates or tariffs shall be reported annually to Congress.

(R.S. § 1745; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

CODIFICATION

R.S. § 1745 was from act Aug. 18, 1856, ch. 127, § 16, 11 Stat. 57.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

EX. ORD. NO. 10718. DELEGATION OF AUTHORITY TO SECRETARY OF STATE

Ex. Ord. No. 10718, June 27, 1957, 22 F.R. 4632, provided:

SECTION 1. There is hereby delegated to the Secretary of State the authority vested in the President by section 1745 of the Revised Statutes of the United States (22 U.S.C. 1201) to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business of the several embassies, legations, and consulates, and to adapt the same, by such differences as may be necessary or proper, to each embassy, legation, or consulate.

SEC. 2. This order shall not operate to amend, supersede, or terminate any rates or tariffs of fees, designations, or adaptations prescribed or made under authority of the said section 1745 [this section] and in force immediately prior to the issuance of this order; but authority to amend, supersede, or terminate the same, and to prescribe regulations necessary or desirable for the implementation of rates or tariffs of fees, designations, or adaptions heretofore or hereafter prescribed or made, shall be deemed to be included within the authority delegated by section 1 of this order.

SEC. 3. The rates or tariffs of fees and the regulations prescribed and any other actions taken by the Secretary of State under authority of this order shall be published in the Federal Register.

DWIGHT D. EISENHOWER.

CROSS REFERENCES

Fees for consular certification of invoices, see section 1181 of this title.

Fees named in tariff of consular fees prescribed by order of the President, see section 1186 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1171, 1181, 1195 of this title; title 18 section 3495.

§ 1202. Medium for payment of fees

All fees collected by diplomatic and consular officers for and in behalf of the United States shall be collected in the coin of the United States, or at its representative value in exchange.

(R.S. § 1746.)

CODIFICATION

R.S. § 1746 was from act Aug. 18, 1856, ch. 127, § 30, 11 Stat. 63.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

CROSS REFERENCES

All coins and currencies of United States to be legal tender for payment of public charges, see section 392 of Title 31, Money and Finance.

Valuation of foreign coins in payment of fees, see section 1188 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1203. Depositions and notarial acts; perjury

Every secretary of embassy or legation and consular officer is authorized, whenever he is required or deems it necessary or proper so to do, at the post, port, place, or within the limits of his embassy, legation, or consulate, to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to do within the United States. Every such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had, or done, by or before any such officer, when certified under his hand and seal of office, shall be as valid, and of like force and effect within the United States, to all intents and purposes, as if administered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto. If any person shall willfully and corruptly commit perjury, or by any means procure any person to commit perjury in any such oath, affirmation, affidavit, or deposition, within the intent and meaning of any Act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, convicted, and dealt with in any district of the United States, in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense; and any document purporting to have affixed, impressed, or subscribed thereto, or thereon the seal and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be deemed and taken to be guilty of a misdemeanor and on conviction shall be imprisoned not exceeding three years nor less than one year, and fined, in a sum not to exceed $3,000, and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.

(R.S. § 1750; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

CODIFICATION

R.S. § 1750 was from act Aug. 18, 1856, ch. 127, § 24, 11 Stat. 61.

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

CROSS REFERENCES

Certificate of acknowledgment of assignments, grants, or conveyances of patents as prima facie evidence of execution, see section 261 of Title 35, Patents.

Counterfeiting and forgery, see chapter 25 of Title 18, Crimes and Criminal Procedure.

Offenses punishable by imprisonment for a term exceeding one year classified as a felony, see section 1 of Title 18.

Performance of notarial acts, see section 1195 of this title.

Perjury, see sections 1621, 1622, and 3185 of Title 18.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1171 of this title.

§ 1204. Authentication of documents of State of Vatican City by consular officer in Rome

Until the United States shall have consular officer resident in the State of the Vatican City, a copy of any document of record or on file in a public office of said State of the Vatican City, certified by the lawful custodian of such document, may be authenticated, as provided in section 1741 of title 28, by a consular officer of the United States resident in the city of Rome, Kingdom of Italy, and such document or record shall, when so certified and authenticated, be admissible in evidence in any court of the United States.

(June 25, 1938, ch. 682, 52 Stat. 1163.)

CODIFICATION

Section was not enacted as a part of the "Foreign Service Act of 1946" which comprises this chapter.

In the original, "section 1741 of title 28" read "section 6 of this Act" which had been classified to section 695e of title 28. "Section 1741 of title 28" was substituted for "section 695e of title 28" on authority of act June 25, 1948, ch. 646, 62 Stat. 869, section 1 of which enacted Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

Proof of official records, see rule 44, Title 28, Appendix, Judiciary and Judicial Procedure.

FEDERAL RULES OF CRIMINAL PROCEDURE

Proof of official records, see rule 27, Title 18, Appendix, Crimes and Criminal Procedure.

CHAPTER 14A—FOREIGN SERVICE INFORMATION OFFICERS CORPS

Sec.
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§ 1221. Establishment

There is hereby established a category of officers of the United States Information Agency (hereinafter referred to as "the Agency") to be known as Foreign Service information officers.

(Pub. L. 90-494, § 1, Aug. 20, 1968, 82 Stat. 810.)

§ 1222. Congressional statement of policy

It is the sense of the Congress that the establishment of a permenent career service for officers of the Agency who serve our country throughout the world in a vital function of the foreign relations of the United States is essential to enable the Director of the United States Information Agency (hereinafter referred to as "the Director") to carry out effectively such functions and responsibilities assigned to the Agency.

(Pub. L. 90-494, § 2, Aug. 20, 1968, 82 Stat. 810.)

§ 1223. Congressional statement of purpose

The Congress of the United States hereby declares that the purposes of this chapter are—

(a) to provide a statutory basis necessary for a worldwide career officer personnel system designed to meet the continuing needs of both the Agency and those qualified citizens who shall serve as Foreign Service information officers in this vital activity;

(b) to give the Director the full range of personnel authority necessary to establish and administer the Foreign Service Information Officer Corps;

(c) to regularize the personnel system of the Agency by establishing a career service in which qualified Foreign Service information officers may be recruited, trained, and serve;

(d) to assure maximum efficiency and flexibility in the utilization of the talents of Foreign Service information officers; and

(e) to accord Foreign Service information officers the same rights and prerequisites and to subject them to the same stringent judgment of performance as Foreign Service officers employed under the provisions of the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.].

(Pub. L. 90-494, § 3, Aug. 20, 1968, 82 Stat. 810.)

REFERENCES IN TEXT

The Foreign Service Act of 1946, as amended, referred to in subsec. (e), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. For complete classification of this Act to Code, see Short Title note set out under section 801 of this title and Tables volume.

§ 1224. Authority of the Director of the United States Information Agency

Foreign Service information officers shall be under the direction and authority of the Director of the Agency. Authority available to the Secretary of State with respect to Foreign Service officers shall be available on the same basis to the Director of the Agency with respect to Foreign Service information officers, except as provided in section 1231 of this title.

(Pub. L. 90-494, § 4, Aug. 20, 1968, 82 Stat. 811.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1226 of this title.

§ 1225. Personnel system; policies and regulations

The Foreign Service information officer personnel system shall be compatible with the Foreign Service officer personnel system. Toward this end, the Director with respect to the Foreign Service information officer personnel system and the Secretary of State with respect to the Foreign Service officer personnel system, after consultation with such officials as the President may determine, shall promulgate policies and regulations governing such systems. Both systems shall be administered, to the extent practicable, in conformity with general policies and regulations of the Federal Government issued in accordance with law.

(Pub. L. 90-494, § 5, Aug. 20, 1968, 82 Stat. 811.)

PROMULGATION OF POLICIES AND REGULATIONS

Director of United States Information Agency authorized to promulgate policies and regulations governing personnel and retirement systems, see section 1 of Ex. Ord. No. 11434, Nov. 8, 1968, 33 F.R. 16485, set out as a note under section 811a of this title.

§ 1226. Appointment and assignment

(a) Classes, salaries, requirements, and procedures

Subject to section 1224 of this title, Foreign Service information officers shall be appointed and assigned at classes and salaries, and in ac-

cordance with requirements and procedures, which correspond to those classes, salaries, requirements, and procedures, except with regard to career ambassadors, prescribed by sections 867, 868, 876, 877, 881(c), 882, 886, 900, 901(b), 902(b), 906, 909 through 915, 961 through 965, and 968 of this title.

(b) Career Ministers for Information

The President shall, by and with the advice and consent of the Senate, appoint Career Ministers for Information.

(c) Names of qualified officers; position lists; publication

The Secretary of State may, upon request of the Director, furnish the President with the names of Foreign Service information officers qualified for appointment to the class of Career Minister for Information, together with pertinent information about such officers, but no person shall be appointed into the class of Career Minister for Information who has not been appointed to serve in an Embassy as a Minister for Public Affairs or appointed or assigned to serve in a position which, in the opinion of the Director, is of comparable importance. A list of such positions shall from time to time be published by the Director.

(d) Compensation

The per annum salary of a Career Minister for Information shall be the same as that provided by section 867 of this title for the class of Career Minister.

(Pub. L. 90-494, § 6, Aug. 20, 1968, 82 Stat. 811.)

§ 1227. Promotion

Foreign Service information officers shall be promoted in accordance with the provisions of sections 991 through 993, and 996 of this title and shall receive within-class salary increases in accordance with section 995 of this title.

(Pub. L. 90-494, § 7, Aug. 20, 1968, 82 Stat. 811.)

§ 1228. Separation and retirement

Foreign Service information officers shall be separated and retired in accordance with sections 1001 through 1007 of this title.

(Pub. L. 90-494, § 8, Aug. 20, 1968, 82 Stat. 812.)

§ 1229. Foreign Service retirement and disability system

(a) Participation by Foreign Service information officers

Foreign Service information officers shall be participants in and entitled to the benefits of the Foreign Service retirement and disability system under title VIII of the Foreign Service Act of 1946, as amended [22 U.S.C. 1061 et seq.], on the same basis as Foreign Service officers. Any such Foreign Service information officer who becomes a participant in such system shall make contributions to the Foreign Service retirement and disability fund on the same basis as Foreign Service officers.

(b) Repealed. Pub. L. 94-350, title V, § 522(d), July 12, 1976, 90 Stat. 847

(c) Mandatory retirement

Any such officer or employee who, under the provisions of paragraph (b) of this section, becomes a participant in the Foreign Service retirement and disability system, shall be mandatorily retired for age during the third year after the effective date of that paragraph if he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one, and thereafter at age sixty.

(d) Voluntary retirement

Any officer or employee who becomes a participant in the Foreign Service retirement and disability system under the provisions of paragraph (b) of this section who is age fifty-seven or over on the effective date of that paragraph, may retire voluntarily at any time before mandatory retirement under paragraph (c) of this section and receive retirement benefits under section 1076 of this title.

(e) Effective dates

The provisions of paragraph (b) of this section becomes effective on the first day of the first month which begins more than one year after August 20, 1968, except that any Foreign Service Staff officer or employee, who on August 20, 1968 meets the requirements for participation in the Foreign Service retirement and disability system, may elect to become a participant in the system before the mandatory provisions become effective. Such Foreign Service Staff officers and employees shall become participants effective on the first day of the second month following the date of their application for earlier participation.

(Pub. L. 90-494, § 9, Aug. 20, 1968, 82 Stat. 812; Pub. L. 94-350, title V, § 522(d), July 12, 1976, 90 Stat. 847.)

REFERENCES IN TEXT

The Foreign Service Act of 1946, as amended, referred to in subsec. (a), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended. Title VIII of the Foreign Service Act of 1946, as amended, is classified generally to subchapter VIII (§ 1061 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

The effective date of par. (b) of this section, referred to in pars. (c) and (d), is set out in par. (e).

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-350 repealed subsec. (b) which had provided for participation by Foreign Service Staff officers and employees in the Foreign Service Retirement and Disability System, now covered by provisions set out as a note under section 1063 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 522(d) of Pub. L. 94-350 provided for repeal of subsec. (b) effective (under provisions of section 524(b) of Pub. L. 94-350, set out as a note under section 1063 of this title) on first day of first pay period which begins more than ninety days after Oct. 1, 1976.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (b) of this section delegated to the Secretary of State, see section

3 of Ex. Ord. No. 11434, Nov. 8, 1968, 33 F.R. 16485, set out as a note under section 811a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 930 of this title.

§ 1230. Applicability of other laws

All other provisions of the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.], or of any other law, which apply to Foreign Service Officers and are not referred to above, shall be applicable to Foreign Service information officers.

(Pub. L. 90-494, § 10, Aug. 20, 1968, 82 Stat. 812.)

REFERENCES IN TEXT

The Foreign Service Act of 1946, as amended, referred to in text, is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

§ 1231. Commissioning and assignment as diplomatic and consular officers

(a) The Secretary of State may, upon request of the Director, recommend to the President that Foreign Service information officers be commissioned as diplomatic or consular officers, or both, in accordance with section 907 of this title.

(b) The Secretary of State may, upon request of the Director, assign Foreign Service information officers, commissioned as diplomatic or consular officers, to serve under such commissions in accordance with sections 907 and 909 of this title.

(Pub. L. 90-494, § 11, Aug. 20, 1968, 82 Stat. 813.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1224 of this title.

§ 1232. Definitions

For the purposes of this chapter the term "Foreign Service officer" when used in the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.], or in any other provision of law shall be construed to mean "Foreign Service information officer" and the term "Secretary of State" when used with respect to authorities applicable to Foreign Service officers shall be construed to mean the Director of the United States Information Agency with respect to Foreign Service information officers.

(Pub. L. 90-494, § 12, Aug. 20, 1968, 82 Stat. 813.)

REFERENCES IN TEXT

The Foreign Service Act of 1946, as amended, referred to in text, is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

§ 1233. Transfer of Agency Foreign Service officers to Foreign Service information officer status

Agency Foreign Service officers on active service on August 20, 1968, shall, by virtue of this chapter, be transferred from the classes in which they are serving on such date to the comparable salaries and classes of Foreign Service information officers established by this chapter. Service in the former class shall be considered as constituting service in the new class for the purposes of determining (1) eligibility for promotion, in accordance with the provisions of section 922 of this title, (2) liability for separation, in accordance with the provisions of section 1003 of this title, (3) continuation for probationary status pursuant to section 1005 of this title, and (4) credit for time served toward in-class promotion in accordance with section 995 of this title.

(Pub. L. 90-494, § 13, Aug. 20, 1968, 82 Stat. 813.)

§ 1234. Veterans' preference

Notwithstanding the provisions of section 3320 of title 5, the fact that any applicant is a veteran or disabled veteran, as defined in section 2108 (1) or (2) of such title, shall be taken into consideration as an affirmative factor in the selection of applicants for initial appointment as Foreign Service officers or Foreign Service information officers.

(Pub. L. 90-494, § 14, Aug. 20, 1968, 82 Stat. 813.)

CHAPTER 15—THE REPUBLIC OF THE PHILIPPINES

SUBCHAPTER I—LAWS AND OBLIGATIONS OF UNITED STATES

PART 1—CUSTOMS DUTIES

Sec.
1251 to 1255. Omitted.

PART 2—QUOTAS

1261 to 1266. Omitted.

PART 3—INTERNAL TAXES

1271 to 1274. Omitted.

PART 4—IMMIGRATION

1281. Omitted.
1281a. Repealed.

SUBCHAPTER II—OBLIGATIONS OF PHILIPPLINES

PART 1—PURPOSES

1291. Omitted.

PART 2—CUSTOMS DUTIES

1301 to 1305. Omitted.

PART 3—INTERNAL TAXES

1311 to 1313. Omitted.

PART 4—IMMIGRATION

1321, 1322. Omitted.

PART 5—GENERAL PROVISIONS

1331 to 1334. Omitted.

SUBCHAPTER III—EXECUTIVE AGREEMENT BETWEEN UNITED STATES AND PHILIPPINES

1341 to 1348. Omitted.

SUBCHAPTER IV—GENERAL PROVISIONS RELATING TO TRADE RELATIONS

Sec.
1351 to 1353. Omitted.
1354. Quotas on Philippine articles.
(a) to (c). Omitted.
(d) Investigations by International Trade Commission.
1355. Suspension of processing tax on coconut oil.
1356. Termination of payments into Philippine treasury.
1357. Trade agreements with the Philippines.
1358. Rights of third countries.
1359. Omitted.
1360. Definitions.

SUBCHAPTER IV-A—TRADE RELATIONS UNDER REVISED AGREEMENT

1371, 1372. Omitted.
1373. Suspension of Philippine Trade Act of 1946.
1374 to 1379. Omitted.

SUBCHAPTER V—PROPERTY RETAINED BY THE UNITED STATES

1381. Retention by United States of title to real and personal property.
1382. Administration of the Trading With the Enemy Act in Philippines.
1383. Transfer of property by President of United States.
1384. Transfer of shares of corporations owning agricultural lands; consideration; indemnification.
1385. Ownership of naval reservations, diplomatic property, etc., unaffected.
1386. Definitions.

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

1391. Transfer of property and rights to Philippine Commonwealth.
1392. Acquisition of military and naval bases by United States.
1393. Supplementary sinking fund for bond payments; purchase of bonds by United States; creation of special trust account.
1394. Recognition of Philippine independence.
(a) Withdrawal of American sovereignty.
(b) Naval reservations and fueling stations.
(c) Property for diplomatic purposes.
1395. Definitions.

SUBCHAPTER I—LAWS AND OBLIGATIONS OF UNITED STATES

Subchapter Referred to in Other Sections

This subchapter is referred to in sections 1356, 1360, 1373 of this title; title 48 section 734.

Part 1—Customs Duties

§§ 1251 to 1255. Omitted

Codification

Section 1251, act Apr. 30, 1946, ch. 244, title II, § 201, 60 Stat. 143, which provided for entry of Philippine articles into the United States, between May 1, 1946 and July 3, 1954, free of ordinary customs duty, was omitted from the Code as executed.

Section 1252, act Apr. 30, 1946, ch. 244, title II, § 202, 60 Stat. 143, was omitted from the Code. Subsec. (a), which related to ordinary customs duties on Philippine articles between July 4, 1954 and July 3, 1974, was omitted from the Code as executed. Subsec. (b), which related to ordinary customs duties on Philippine articles for the period after July 3, 1974, was omitted from the Code on authority of former section 1345 of this title which nullified subchapter I of this chapter upon the expiration of the revised agreement between the United States and the Republic of the Philippines which occurred on July 4, 1974.

Section 1253, act Apr. 30, 1946, ch. 244, title II, § 203, 60 Stat. 144, which related to customs duties on Philippines articles other than ordinary customs duties, was omitted from the Code as obsolete. See note under section 1252(b) of this title.

Section 1254, act Apr. 30, 1946, ch. 244, title II, § 204, 60 Stat. 144, which related to equality in special import duties, was omitted from the Code as obsolete. See note under section 1252(b) of this title.

Section 1255, act Apr. 30, 1946, ch. 244, title II, § 205, 60 Stat. 144, which related to equality in duties for products of the Philippines which did not come within the definition of Philippine articles, was omitted from the Code as obsolete. See note under section 1252(b) of this title.

Extension of Duty Free Period Until December 31, 1955

Act July 5, 1954, ch. 459, 68 Stat. 448 provided that the duty-free treatment of this section was to be applied in lieu of section 1252(a)(1), (2) of this title for Philippine articles entered or withdrawn from United States warehouses for consumption during periods between July 3, 1954 and December 31, 1955 provided the President declared by proclamation that such period was one in which United States articles were admitted into the Philippines free of ordinary customs duties.

Proc. No. 3060. Extension of the Period of Duty Free Treatment

Proc. No. 3060, July 10, 1954, 19 F.R. 4397 provided that United States articles entered or withdrawn from warehouse in the Philippines for consumption, during the period from July 4, 1954 to December 31, 1955, be admitted into the Philippines free from ordinary customs duty.

Part 2—Quotas

§§ 1261 to 1266. Omitted

Codification

Section 1261, act Apr. 30, 1946, ch. 244, title II, § 211, 60 Stat. 144, which related to the amount and allocation of quotas for refined and unrefined Philippine sugar, between the period Jan. 1, 1946 and July 3, 1974, was omitted from the Code as obsolete.

Section 1262, act Apr. 30, 1946, ch. 244, title II, § 212, 60 Stat. 145, which related to the amount and allocation of quotas for Philippine cordage, between the period Jan. 1, 1946 and July 3, 1974, was omitted from the Code as obsolete.

Section 1263, act Apr. 30, 1946, ch. 244, title II, § 213, 60 Stat. 145, which related to the quota on Philippine rice, between the period Jan. 1, 1946 and July 3, 1974, was omitted from the Code as obsolete.

Section 1264, act Apr. 30, 1946, ch. 244, title II, § 214, 60 Stat. 146, which related to duty-free quotas on cigars, scrap tobacco, coconut oil and buttons of pearl or shell, between the period Jan. 1, 1946 and July 3, 1974, was omitted from the Code as obsolete.

Section 1265, act Apr. 30, 1946, ch. 244, title II, § 215, 60 Stat. 147, which related to enactment of laws and regulations necessary to put into effect allocations of quotas, was omitted from the Code on authority of former section 1345 of this title which nullified subchapter I of this chapter upon expiration of the revised agreement between the United States and the Republic of the Philippines which occurred on July 4, 1974.

Section 1266, act Apr. 30, 1946, ch. 244, title II, § 216, 60 Stat. 147, which related to transfers and assignments of quota allotments, was omitted from the Code as obsolete. See note under section 1265 of this title.

PART 3—INTERNAL TAXES

§§ 1271 to 1274. Omitted

CODIFICATION

Section 1271, act Apr. 30, 1946, ch. 244, title II, § 221, 60 Stat. 147, which related to equality in internal taxes for Philippine products coming into the United States, was omitted from the Code on authority of former section 1345 of this title which nullified subchapter I of this chapter upon expiration of the revised agreement between the United States and the Republic of the Philippines which occurred on July 4, 1974.

Section 1272, act Apr. 30, 1946, ch. 244, title II, § 222, 60 Stat. 148, which related to exemption from tax of manila fiber, was omitted from the Code as obsolete. See note under section 1271 of this title.

Section 1273, act Apr. 30, 1946, ch. 244, title II, § 223, 60 Stat. 148, which prohibited export taxes by the United States on articles exported to the Philippines, was omitted from the Code as obsolete. See note under section 1271 of this title.

Section 1274, act Apr. 30, 1946, ch. 244, title II, § 224, 60 Stat. 148, which provided an exemption from taxes for articles for official use of the Philippine Government, was omitted from the Code as obsolete. See note under section 1271 of this title.

PART 4—IMMIGRATION

§ 1281. Omitted

CODIFICATION

Section, act Apr. 30, 1946, ch. 244, title II, § 231, 60 Stat. 148, which provided that certain Philippine citizens be granted non-quota status, was omitted from the Code on authority of former section 1345 of this title which nullified subchapter I of this chapter upon the expiration of the revised agreement between the United States and the Republic of the Philippines which occurred on July 4, 1974.

PHILIPPINE TRADERS AS NONIMMIGRANTS

Philippine traders as classifiable as nonimmigrants, see section 1184a of Title 8, Aliens and Nationality.

PROC. NO. 2696. IMMIGRATION QUOTA

Proc. No. 2696, July 4, 1946, 11 F.R. 7517, 60 Stat. 1353, provided:

The annual quota for the Philippine Islands effective July 4, 1946, for the remainder of the fiscal year ending June 30, 1947, and for each fiscal year thereafter, has been determined in accordance with the law to be, and shall be, 100.

The immigration quota of 50 authorized by section 8(a)(1) of the Act approved March 24, 1934, entitled "An Act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes" (48 Stat. 462; 53 Stat. 1230; section 1238 of Title 48, Territories and Insular Possessions), which Act was accepted by concurrent resolution of the Philippine Legislature on May 1, 1934, and which became effective on that date, will become inoperative on July 4, 1946, the date the Government of the United States recognizes the independence of the Philippine Islands as a separate and self-governing nation.

The immigration quota assigned to the Philippine Islands is designed solely for purposes of compliance with the pertinent provisions of the Immigration Act of 1924 [section 145 et seq. of Title 8, Aliens and Nationality] and is not to be regarded as having any significance extraneous to this subject.

§ 1281a. Repealed. June 27, 1952, ch. 477, title IV, § 403(a)(35), 66 Stat. 279

Section, act Mar. 24, 1934, ch. 84, § 14, 48 Stat. 464, related to immigration after independence, and is covered by section 1151 et seq. of Title 8, Aliens and Nationality.

SUBCHAPTER II—OBLIGATIONS OF PHILIPPINES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1356, 1360, 1373 of this title.

PART 1—PURPOSES

§ 1291. Omitted

CODIFICATION

Section, act Apr. 30, 1946, ch. 244, title III, § 301, 60 Stat. 148, which stated the purposes of this subchapter, was omitted from the Code on authority of subsec. (b)(1) of this section, which provided that this subchapter be effective until the expiration of the revised agreement between the United States and the Republic of the Philippines which occurred on July 4, 1974.

PART 2—CUSTOMS DUTIES

§§ 1301 to 1305. Omitted

CODIFICATION

Section 1301, act Apr. 30, 1946, ch. 244, title III, § 311, 60 Stat. 149, which provided for entry of United States articles into the Philippines, between May 1, 1946 and July 3, 1954, free of ordinary customs duties, was omitted from the Code as executed.

Section 1302, act Apr. 30, 1946, ch. 244, title III, § 312, 60 Stat. 149, was omitted from the Code. Subsec. (a), which related to ordinary customs duties on United States articles between July 4, 1954, and July 3, 1974, was omitted from the Code as executed. Subsec. (b), which related ordinary customs duties on United States articles after July 3, 1974, was omitted from the Code on authority of section 1291(b)(1) of this title, which provided that this subchapter be effective until the expiration of the revised agreement between the United States and the Republic of the Philippines which occurred on July 4, 1974.

Section 1303, act Apr. 30, 1946, ch. 244, title III, § 313, 60 Stat. 149, which related to customs duties on United States articles other than ordinary customs duties, was omitted from the Code as obsolete. See note under section 1302(b) of this title.

Section 1304, act Apr. 30, 1946, ch. 244, title III, § 314, 60 Stat. 150, which related to equality in special import duties, was omitted from the Code as obsolete. See note under section 1302(b) of this title.

Section 1305, act Apr. 30, 1946, ch. 244, title III, § 315, 60 Stat. 150, which related to equality in duties for products of the United States which did not come within the definition of United States articles, was omitted from the Code as obsolete. See note under section 1302(b) of this title.

PART 3—INTERNAL TAXES

§§ 1311 to 1313. Omitted

CODIFICATION

Section 1311, act Apr. 30, 1946, ch. 244, title III, § 321, 60 Stat. 150, which related to equality in internal taxes for United States products coming into the Philippines, was omitted from the Code on authority of section 1291(b)(1) of this title, which provided that this subchapter be effective until the expiration of the revised agreement between the United States and the Republic of the Philippines which occurred on July 4, 1974.

Section 1312, act Apr. 30, 1946, ch. 244, title III, § 322, 60 Stat. 150, which prohibited export taxes by the Philippines on articles exported to the United States, was omitted from the Code as obsolete. See note under section 1311 of this title.

Section 1313, act Apr. 30, 1946, ch. 244, title III, § 323, 60 Stat. 150, which provided an exemption from taxes for articles for official use of the United States Government, was omitted from the Code as obsolete. See note under section 1311 of this title.

PART 4—IMMIGRATION

§§ 1321, 1322. Omitted

CODIFICATION

Section 1321, act Apr. 30, 1946, ch. 244, title III, § 331, 60 Stat. 151, which provided that certain United States citizens be granted non-quota status, was omitted from the Code on authority of section 1291(b)(1) of this title, which provided that this subchapter be effective until the expiration of the revised agreement between the United States and the Republic of the Philippines which occurred on July 4, 1974.

Section 1322, act Apr. 30, 1946, ch. 244, title III, § 332, 60 Stat. 151, which provided for immigration of United States citizens into the Philippines, was omitted from the Code as obsolete. See note under section 1321 of this title.

PART 5—GENERAL PROVISIONS

§§ 1331 to 1334. Omitted

CODIFICATION

Section 1331, act Apr. 30, 1946, ch. 244, title III, § 341, 60 Stat. 151, which related to the rights of United States citizens and business enterprises to natural resources in the Philippines, was omitted from the Code on authority of section 1291(b)(1) of this title, which provided that this subchapter be effective until the expiration of the revised agreement between the United States and the Republic of the Philippines which occurred on July 4, 1974.

Section 1332, act Apr. 30, 1946, ch. 244, title III, § 342, 60 Stat. 151, which provided for currency stabilization between the United States and the Philippines was omitted from the Code as obsolete. See note under section 1331 of this title.

Section 1333, acts June 11, 1934, ch. 445, 48 Stat. 929; Aug. 7, 1946, ch. 809, § 1, 60 Stat. 901, which related to deposits of and interest on public moneys, terminated on July 1, 1951, under the provisions of section 2 of act Aug. 7, 1946.

Section 1334, act Apr. 30, 1946, ch. 244, title III, § 343, 60 Stat. 151, which related to allocation of quotas established by sections 1261, 1262, and 1264 of this title, was omitted from the Code as obsolete. See note under section 1331 of this title.

SUBCHAPTER III—EXECUTIVE AGREEMENT BETWEEN UNITED STATES AND PHILIPPINES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1356, 1357, 1360, 1373 of this title.

§§ 1341 to 1348. Omitted

CODIFICATION

Section 1341, act Apr. 30, 1946, ch. 244, title IV, § 401, 60 Stat. 151, which provided authorization for an executive agreement between the United States and the Republic of the Philippines concerning trade and other related matters, was omitted from the Code as obsolete, in view of the expiration of the revised agreement concerning trade and other related matters which occurred on July 4, 1974.

Section 1342, act Apr. 30, 1946, ch. 244, title IV, § 402, 60 Stat. 152, which specified the obligations of the Philippines, was omitted from the Code as obsolete. See note under section 1341 of this title.

Section 1343, act Apr. 30, 1946, ch. 244, title IV, § 403, 60 Stat. 153, which specified the obligations of the United States, was omitted from the Code as obsolete. See note under section 1341 of this title.

Section 1344, act Apr. 30, 1946, ch. 244, title IV, § 404, 60 Stat. 153, which related to provisions concerning termination of the agreement, was omitted from the Code as obsolete. See note under section 1341 of this title.

Section 1345, act Apr. 30, 1946, ch. 244, title IV, § 405, 60 Stat. 154, which provided that upon expiration of the agreement the provisions of subchapter I of this chapter shall cease to have effect, was omitted from the Code as obsolete. See note under section 1341 of this title.

Section 1346, act Apr. 30, 1946, ch. 244, title IV, § 406, 60 Stat. 154, which related to interpretation of the agreement, was omitted from the Code as obsolete. See note under section 1341 of this title.

Section 1347, act Apr. 30, 1946, ch. 244, title IV, § 407, 60 Stat. 154, which related to termination of authority to make the agreement, was omitted from the Code as obsolete. See note under section 1341 of this title.

Section 1348, act Apr. 30, 1946, ch. 244, title IV, § 408, 60 Stat. 154, which related to the effective date of the agreement was omitted from the Code as obsolete. See note under section 1341 of this title.

SUBCHAPTER IV—GENERAL PROVISIONS RELATING TO TRADE RELATIONS

§§ 1351 to 1353. Omitted

CODIFICATION

Section 1351, act Apr. 30, 1946, ch. 244, title V, § 501, 60 Stat. 155, which related to suspension and termination of the trade agreement in case of discrimination, was omitted from the Code as obsolete in view of the expiration of the revised agreement between the United States and the Republic of the Philippines which occurred on July 4, 1974.

Section 1352, act Apr. 30, 1946, ch. 244, title V, § 502, 60 Stat. 155, which related to suspension of the provisions of subchapter I of this chapter, was omitted from the Code as obsolete on authority of former section 1345 of this title which nullified subchapter I of this chapter upon the expiration of the revised agreement between the United States and the Republic of the Philippines which occurred on July 4, 1974.

Section 1353, act Apr. 30, 1946, ch. 244, title V, § 503, 60 Stat. 156, which related to customs duties on imports from the Philippines during the period subchapter I of this chapter was in effect, was omitted from the Code as obsolete. See note under section 1352 of this title.

§ 1354. Quotas on Philippine articles

(a) to (c). Omitted

(d) Investigations by International Trade Commission

The United States International Trade Commission shall at the request of the President, upon resolution of either House of Congress or concurrent resolution of both Houses of Congress, upon its own motion, or when in its judgment there is good reason therefor, upon application of any interested party, make an investigation to ascertain (1) whether imports of a Philippine article (other than an article for which a quota is established by part 2 of subchapter I of this chapter) are coming, or are likely to come, into substantial competition with like articles which are the product of the United States; (2) what is the greatest amount of such article which may be entered, or withdrawn from warehouse, in the United States for consumption, without coming into substantial competition with like articles which are the product of the United States; and (3) the total

amount of such article which (during the twelve months ended on the last day of the month preceding the month in which occurs the date of the beginning of the investigation) was entered, or withdrawn from warehouse, in the United States for consumption. During the course of the investigation the Commission shall hold a public hearing, of which reasonable public notice shall be given and at which parties interested shall be afforded reasonable opportunity to be present, to produce evidence, and to be heard. The Commission shall give precedence to such investigations. The Commission shall report the results of its investigations to the President, and shall send copies of such report to each House of the Congress.

(Apr. 30, 1946, ch. 244, title V, § 504, 60 Stat. 156; Jan. 3, 1975, Pub. L. 93-618, title I, § 171, 88 Stat. 2009.)

SUSPENSION OF PROVISIONS

Section not applicable during such time as the revised agreement between the United States and the Philippines is in effect, see section 1373 of this title.

REFERENCES IN TEXT

Part 2 of subchapter I of this chapter, referred to in subsec. (d), was omitted from the Code as obsolete. See note under section 1261 of this title.

CODIFICATION

Subsec. (a), which provided that the President establish quotas on Philippine articles, was omitted from the Code as obsolete on authority of subsec. (c) of this section which provided that no quota so established continue in effect after the expiration of the executive agreement which expiration occurred on July 4, 1974. Subsec. (b), which provided for the maximum and minimum quotas, was omitted from the Code as obsolete on authority of subsec. (c) of this section. Subsec. (c), which provided for the duration of the quotas, was omitted from the Code as obsolete.

CHANGE OF NAME

The United States Tariff Commission was renamed the United States International Trade Commission by Pub. L. 93-618, title I, § 171, Jan. 3, 1975, 88 Stat. 2009, which is classified to section 2231 of Title 19, Customs Duties.

SHORT TITLE

Section 1 of Act Apr. 30, 1946, provided that: "This Act [enacting subchapters I to IV of this chapter, amending section 1393 of this title, sections 2470 and 2800 of Title 26, Internal Revenue Code of 1939, and section 734 of Title 48, Territories and Insular Possessions, repealing section 1301 of Title 19, Customs Duties, sections 2476, and 3340 to 3343 of Title 26, Internal Revenue Code of 1939, and section 1243 of Title 48] may be cited as the 'Philippine Trade Act of 1946'."

EFFECTIVE DATE

Section 512 of Act Apr. 30, 1946, provided: "This Act [subchapters I to IV of this chapter; sections 2470 (a)(2) and 2800(a)(4)(B) of Title 26, Internal Revenue Code 1939; and section 734 of Title 48, Territories and Insular Possessions] shall take effect on the day after the date of its enactment [April 30, 1946], except Part 2 of Title II [sections 1261 to 1266 of this title], which shall take effect as of January 1, 1946."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1373 of this title.

§ 1355. Suspension of processing tax on coconut oil

Whenever the President, after consultation with the President of the Philippines, finds that adequate supplies of neither copra nor coconut oil, the product of the Philippines, are readily available for processing in the United States, he shall so proclaim, and after the date of such proclamation the provisions of section 2470(a)(2) of title 26 shall be suspended until the expiration of 30 days after he proclaims that, after consultation with the President of the Philippines, he has found that such adequate supplies are so readily available.

(Apr. 30, 1946, ch. 244, title V, § 505(b), 60 Stat. 157.)

SUSPENSION OF PROVISIONS

Section not applicable during such time as the revised agreement between the United States and the Philippines is in effect, see section 1373 of this title.

REFERENCES IN TEXT

Section 2470(a)(2) of title 26, referred to in text, is a reference to section 2470(a)(2) of the Internal Revenue Code, 1939. Section 2470 was repealed by section 7851 of Title 26, Internal Revenue Code, 1954, and was reenacted as sections 4511 and 4513 of the 1954 Code. Sections 4511 and 4513 were repealed by Pub. L. 87-456, title III, § 302(d), May 24, 1962, 76 Stat. 77, effective Aug. 31, 1963. See Tariff Schedules of United States, section 1202 of Title 19, Customs Duties.

TERMINATION OF SUSPENSION OF ADDITIONAL RATE ON COCONUT OIL

By Proc. No. 2847, July 28, 1949, 14 F.R. 4773, 63 Stat. 1279, the President found that "adequate supplies of copra and coconut oil, the product of the Philippines, are readily available for processing in the United States" and that upon the expiration of 30 days from July 28, 1949, the suspension of the provisions of section 2470(a)(2) of Title 26 [I.R.C. 1939] will be terminated.

SUSPENSION PROCLAMATION

By Proc. No. 2693, June 28, 1946, 11 F.R. 7255, 60 Stat. 1349, the President found that "adequate supplies of neither copra nor coconut oil, the product of the Philippines, are readily available for processing in the United States," and therefore the provisions of section 2470(a)(2) of Title 26 [I.R.C. 1939] are suspended.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1373 of this title.

§ 1356. Termination of payments into Philippine treasury

Notwithstanding the provisions of section 4 of the Act of March 8, 1902 (32 Stat. 54, ch. 140), or of section 19 of the Act of March 24, 1934 (48 Stat. 456, ch. 84), as added to such Act by section 6 of the Act of August 7, 1939 (53 Stat. 1232, ch. 502), or of the Act of November 8, 1945 (59 Stat. 577, ch. 454) or of any other provision of law, the proceeds of any duties or taxes, collected subsequent to July 3, 1946, which but for the enactment of this Act would be required to be paid into the general funds of the Treasury of the Philippines or would be held in separate or special funds and paid into the Treasury of the Philippines, shall be covered into the general fund of the Treasury of the United States.

(Apr. 30, 1946, ch. 244, title V, § 506(a), 60 Stat. 157.)

SUSPENSION OF PROVISIONS

Section not applicable during such time as the revised agreement between the United States and the Philippines is in effect, see section 1373 of this title.

REFERENCES IN TEXT

Section 4 of the act of March 8, 1902 (32 Stat. 54, ch. 140, referred to in text, was classified to section 123a of Title 19, Customs Duties, but was transferred to section 3343(b) of Title 26, Internal Revenue Code of 1939, and was subsequently repealed by act Apr. 30, ch. 244, title V, § 506(b), 60 Stat. 157, eff. July 4, 1946.

Section 19 of the act of March 24, 1934 (48 Stat. 456, ch. 84), as added to such act by section 6 of the act of August 7, 1939 (53 Stat. 1232, ch. 502), referred to in text, was classified to section 1248 of Title 48, Territories and Insular Possessions.

Act of November 8, 1945 (59 Stat. 577, ch. 454), referred to in text, was classified to section 1249 of Title 48, Territories and Insular Possessions.

This Act, referred to in text, is Act Apr. 30, 1946, ch. 244, 60 Stat. 141, known as the Philippine Trade Act of 1946, which is classified principally to subchapters I to IV of this chapter. Subchapters I, II, and III of this chapter were omitted from the Code as obsolete. For complete classification of this Act to the Code, see Short Title note set out under section 1354 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1373 of this title.

§ 1357. Trade agreements with the Philippines

Until July 4, 1974, no trade agreement shall be made with the Philippines under section 1351 of title 19, unless, prior to such time, the President of the United States has made the proclamation provided for in section 1347 of this title, or the executive agreement provided for in subchapter III of this chapter has been terminated.

(Apr. 30, 1946, ch. 244, title V, § 508, 60 Stat. 158.)

SUSPENSION OF PROVISIONS

Section not applicable during such time as the revised agreement between the United States and the Philippines is in effect, see section 1373 of this title.

REFERENCES IN TEXT

The executive agreement provided for in subchapter III of this chapter, referred to in text, expired July 4, 1974.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1373 of this title.

§ 1358. Rights of third countries

The benefits granted by subchapters I to IV of this chapter, and by the executive agreement provided for in subchapter III of this chapter, to the Philippines, Philippine articles or products, and Philippine citizens, shall not, by reason of any provision of any existing treaty or agreement with any third country, be extended to such country or its products, citizens, or subjects.

(Apr. 30, 1946, ch. 244, title V, § 509, 60 Stat. 158.)

SUSPENSION OF PROVISIONS

Section not applicable during such time as the revised agreement between the United States and the Philippines is in effect, see section 1373 of this title.

REFERENCES IN TEXT

Subchapters I to IV of this chapter, referred to in text, was in the original "this Act", meaning act Apr. 30, 1946, ch. 244, 60 Stat. 141, known as the Philippine Trade Act of 1946, which is classified principally to subchapters I to IV of this chapter. Subchapters I, II, and III of this chapter were omitted from the Code as obsolete. For complete classification of this Act to the Code, see Short Title note set out under section 1354 of this title and Tables volume.

The executive agreement provided for in subchapter III of this chapter, referred to in text, expired July 4, 1974.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1373 of this title.

§ 1359. Omitted

CODIFICATION

Section, act Apr. 30, 1946, ch. 244, title V, § 510, 60 Stat. 158, which related to administration of subchapter I of this chapter, was omitted from the Code as obsolete. See note under section 1352 of this title.

§ 1360. Definitions

(a) For the purposes of subchapters I to IV of this chapter—

(1) The term "person" includes partnerships, corporations, and associations.

(2) The term "United States", when used in a geographical sense, means the States, the District of Columbia, the Territories of Alaska and Hawaii, and Puerto Rico.

(3) The term "ordinary customs duty" means a customs duty based on the article as such (whether or not such duty is also based in any manner on the use, value, or method of production of the article, or on the amount of like articles imported, or on any other factor); but does not include—

(A) a customs duty based on an act or omission of any person with respect to the importation of the article, or of the country from which the article is exported, or from which it comes; or

(B) a countervailing duty imposed to offset a subsidy, bounty, or grant; or

(C) an anti-dumping duty imposed to offset the selling of merchandise for exportation at a price less than the prevailing price in the country of export; or

(D) any tax, fee, charge, or exaction, imposed on or in connection with importation unless the law of the country imposing it designates or imposes it as a customs duty or contains a provision to the effect that it shall be treated as a duty imposed under the customs laws; or

(E) the tax imposed by section 2491(c) of title 26 with respect to an article, merchandise, or combination, 10 per centum or more of the quantity by weight of which consists of, or is derived directly or indirectly from, one or more of the oils, fatty acids, or salts specified in section 2470 of title 26; or the tax imposed by section 3500 of title 26.

(4) The term "Philippine article" means an article which is the product of the Philippines, unless, in the case of an article produced with the use of materials imported into the Philippines from any foreign country (except the United States) the aggregate value of such imported materials at the time of importation into the Philippines was more than twenty per centum of the value of the article imported into the United States, the value of such article to be determined in accordance with, and as of the time provided by, the customs laws of the United States in effect at the time of importation of such article. As used in this paragraph the term "value", when used in reference to a material imported into the Philippines, includes the value of the material ascertained under the customs laws of the Philippines in effect at the time of importation into the Philippines, and, if not included in such value, the cost of bringing the material to the Philippines, but does not include the cost of landing it at the port of importation, or customs duties collected in the Philippines. For the purposes of this paragraph any imported material, used in the production of an article in the Philippines, shall be considered as having been used in the production of an article subsequently produced in the Philippines, which is the product of a chain of production in the Philippines in the course of which an article, which is the product of one stage of the chain, is used by its producer or another person, in a subsequent stage of the chain, as a material in the production of another article.

(5) The term "United States article" means an article which is the product of the United States, unless, in the case of an article produced with the use of materials imported into the United States from any foreign country (except the Philippines) the aggregate value of such imported materials at the time of importation into the United States was more than twenty per centum of the value of the article imported into the Philippines, the value of such article to be determined in accordance with, and as of the time provided by, the customs laws of the Philippines in effect at the time of importation of such article. As used in this paragraph the term "value", when used in reference to a material imported into the United States, includes the value of the material ascertained under the customs laws of the United States in effect at the time of importation into the United States, and, if not included in such value, the cost of bringing the material to the United States, but does not include the cost of landing it at the port of importation, or customs duties collected in the United States. For the purposes of this paragraph any imported material, used in the production of an article in the United States, shall be considered as having been used in the production of an article subsequently produced in the United States, which is the product of a chain of production in the United States in the course of which an article, which is the product of one stage of the chain, is used by its producer or another person, in a subsequent stage of the chain, as a material in the production of another article.

(6) The term "United States duty" means the rate or rates of ordinary customs duty which (at the time and place of entry, or withdrawal from warehouse, in the United States for consumption, of the Philippine article) would be applicable to a like article if imported from that foreign country which is entitled to the lowest rate, or the lowest aggregate of rates, of ordinary customs duty with respect to such like article.

(7) The term "Philippine duty" means the rate or rates of ordinary customs duty which (at the time and place of entry, or withdrawal from warehouse, in the Philippines for consumption, of the United States article) would be applicable to a like article if imported from that foreign country which is entitled to the lowest rate, or the lowest aggregate of rates, of ordinary customs duty with respect to such like article.

(8) The term "internal tax" includes an internal fee, charge, or exaction, and includes—

(A) the tax imposed by section 2491(c) of title 26 with respect to an article, merchandise, or combination, 10 per centum or more of the quantity by weight of which consists of, or is derived directly or indirectly from, one or more of the oils, fatty acids, or salts specified in section 2470 of title 26; and the tax imposed by section 3500 of title 26; and

(B) any other tax, fee, charge, or exaction, imposed on or in connection with importation unless the law of the country imposing it designates or imposes it as a customs duty or contains a provision to the effect that it shall be treated as a duty imposed under the customs laws.

(b) For the purposes of sections 1271(b) and 1311(b) of this title, any matertial, used in the production of an article, shall be considered as having been used in the production of an article subsequently produced, which is the product of a chain of production in the course of which an article, which is the product of one stage of the chain, is used by its producer or another person, in a subsequent stage of the chain, as a material in the production of another article.

(c) For the purposes of paragraphs (6) and (7) of subsection (a) of this section—

(1) if an article is entitled to be imported from a foreign country free of ordinary customs duty, that country shall be considered as the country entitled to the lowest rate of ordinary customs duty with respect to such article; and

(2) a reduction in ordinary customs duty granted any country, by law, treaty, trade agreement, or otherwise, with respect to any article, shall be converted into the equivalent reduction in the rate of ordinary customs duty otherwise applicable to such article.

(d) The terms "includes" and "including" when used in a definition contained in subchapters I to IV of this chapter shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(Apr. 30, 1946, ch. 244, title I, § 2, 60 Stat. 141.)

SUSPENSION OF PROVISIONS

Section not applicable during such time as the revised agreement between the United States and the Philippines is in effect, see section 1373 of this title.

REFERENCES IN TEXT

Subchapters I to IV of this chapter, referred to in subsecs. (a) and (d), was in the original "this Act", meaning act Apr. 30, 1946, ch. 244, 60 Stat. 141, known as the Philippine Trade Act of 1946, which is classified principally to subchapters I to IV of this chapter. Subchapters I, II, and III of this chapter were omitted from the Code as obsolete. For complete classification of this Act to the Code, see Short Title note set out under section 1354 of this title and Tables volume.

Sections 2470 and 2491(c) of title 26, referred to in subsec. (a)(3)(E), (8)(A), are references to sections 2470 and 2491(c) of the Internal Revenue Code, 1939, which were repealed by section 7851 of Title 26, Internal Revenue Code, 1954. Section 2470 was reenacted as sections 4511 and 4513 of the 1954 Code, and section 2491 was reenacted as part of sections 4581 and 4582 of the 1954 Code. Sections 4511, 4513, 4581, and 4582 were repealed by Pub. L. 87-456, title III, § 302(d), May 24, 1962, 76 Stat. 77, effective Aug. 31, 1963. See now Tariff Schedules of the United States, section 1202 of Title 19, Customs Duties.

Section 3500 of title 26, referred to in subsec. (a)(3)(E), (8)(A), is reference to section 3500 of Internal Revenue Code, 1939, which was repealed by section 7851 of Title 26, Internal Revenue Code, 1954. See now section 4501 of Title 26, Internal Revenue Code, 1954.

The customs laws, referred to in subsec. (a)(3)(D), are classified generally to Title 19, Customs Duties.

ADMISSION OF ALASKA AND HAWAII TO STATEHOOD

Alaska was admitted into the Union on Jan. 3, 1959, upon the issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, and Hawaii was admitted into the Union on Aug. 21, 1959, upon the issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74. For Alaska Statehood Law, see Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of title 48.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1346, 1373 of this title.

SUBCHAPTER IV-A—TRADE RELATIONS UNDER REVISED AGREEMENT

§§ 1371, 1372. Omitted

CODIFICATION

Section 1371, act Aug. 1, 1955, ch. 438, title I, § 2, 69 Stat. 413, which defined the term revised agreement, was omitted from the Code as obsolete in view of the expiration of the revised agreement between the United States and the Republic of the Philippines which occurred on July 4, 1974.

Section 1372, act Aug. 1, 1955, ch. 438, title II, § 201, 69 Stat. 413, which authorized the revised agreement, was omitted from the Code as obsolete. See note under section 1371 of this title.

REVISED AGREEMENT BETWEEN UNITED STATES AND PHILIPPINES

Section 201 of act Aug. 1, 1955, provided in part for a revised agreement, accompanied by a protocol, between the United States and the Republic of the Philippines concerning trade and other related matters during a transitional period following the institution of Philippine Independence on July 4, 1946, which agreement by the terms of Article XI thereof, was to have no effect after July 3, 1974.

MODIFICATION OF TEXT OF REVISED AGREEMENT

Section 202 of act Aug. 1, 1955 provided that the text of the revised agreement between the United States and the Republic of the Philippines concerning trade and other related matters during a transitional period after Philippine independence was to be modified only to the extent necessary to correct errors or references to laws, to reflect executive or legislative action taken by the Philippines, or merely as changes in style.

DUTY-FREE TREATMENT FOR SCRAP TOBACCO AND FILLER TOBACCO

Pub. L. 87-47, June 16, 1961, 75 Stat. 92, provided that the duty-free treatment for scrap tobacco and filler tobacco described in item B in the schedule to paragraph 2 of article II of the agreement between the United States and the Republic of the Philippines concerning trade and other related matters during a transitional period after Philippine independence, as revised, was to apply only to articles certified by the Philippines as having been allocated for exportation to the United States free of duty under that paragraph.

§ 1373. Suspension of Philippine Trade Act of 1946

The Philippine Trade Act of 1946 [22 U.S.C. 1251 et seq.] (except section 506(a) of this title [22 U.S.C. 1356] relating to termination of payments into Philippine Treasury, and except amendments and repeals made by such Act) shall not apply during such time as the revised agreement is in effect.

(Aug. 1, 1955, ch. 438, title III, § 302, 69 Stat. 426.)

REFERENCES IN TEXT

The Philippine Trade Act of 1946, referred to in text, is act Apr. 30, 1946, ch. 244, 60 Stat. 141, which is classified principally to subchapters I to IV (§ 1251 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1354 of this title and Tables volume.

The revised agreement, referred to in text, was omitted from the Code as obsolete. See note set out under section 1371 of this title.

EFFECTIVE DATE

Section 301(b) of act Aug. 1, 1955, provided that the provisions of sections 1373 to 1378 of this title, and the amendment of section 734 of Title 48, Territories and Insular Possessions, should take effect on Jan. 1, 1956, but only if the President of the United States has made the proclamation referred to in section 1379 of this title.

SHORT TITLE

Section 1 of act Aug. 1, 1955 provided that: "This Act [enacting this subchapter, and amending section 734 of Title 48, Territories and Insular Possessions] may be cited as the 'Philippine Trade Agreement Revision Act of 1955'."

§§ 1374 to 1379. Omitted

CODIFICATION

Section 1374, act Aug. 1, 1955, ch. 438, title III, § 303, 69 Stat. 426, which related to quotas established by article III of the revised agreement, was omitted from the Code as obsolete. See note under section 1371 of this title.

Section 1375, act Aug. 1, 1955, ch. 438, title III, § 304, 69 Stat. 426, which related to the suspension of the processing tax on coconut oil, was omitted from the Code as obsolete. See note under section 1371 of this title.

Section 1376, act Aug. 1, 1955, ch. 438, title III, § 305, 69 Stat. 426, which provided that prior to July 4, 1974, no trade agreement be entered into with the Republic of the Philippines that would be inconsistent with this subchapter or the revised agreement, was omitted from the Code as obsolete. See note under section 1371 of this title.

Section 1377, act Aug. 1, 1955, ch. 438, title III, § 306, 69 Stat. 426, which related to rights of third countries to benefits granted the Philippines by the revised agreement, was omitted from the Code as obsolete. See note under section 1371 of this title.

Section 1378, act Aug. 1, 1955, ch. 438, title III, § 307, 69 Stat. 426, which related to administration of the revised agreement, was omitted from the Code as obsolete. See note under section 1371 of this title.

Section 1379, act Aug. 1, 1955, ch. 438, title III, § 301(a), 69 Stat. 426, which related to the effective date of the revised agreement, was omitted from the Code as obsolete. See note under section 1371 of this title.

SUBCHAPTER V—PROPERTY RETAINED BY THE UNITED STATES

Subchapter Referred to in Other Sections

This subchapter is referred to in title 40 section 474.

§ 1381. Retention by United States of title to real and personal property

There shall remain vested in the Government of the United States or its agencies or instrumentalities all the right, title, and interest of the said Government or its agencies or instrumentalities to all real and personal property within the Philippine Islands as may now be vested in, or later be acquired by the Government of the United States or any of its agencies or instrumentalities.

(July 3, 1946, ch. 536, § 2, 60 Stat. 418.)

Short Title

Section 1 of act July 3, 1946 provided that: "This Act [enacting this subchapter] may be cited as the 'Philippine Property Act of 1946'."

§ 1382. Administration of the Trading With the Enemy Act in Philippines

The Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, shall continue in force in the Philippines after July 4, 1946, and all powers and authority conferred upon the President of the United States or the Alien Property Custodian by the terms of the said Trading With the Enemy Act, as amended, with respect to the Philippines, shall continue thereafter to be exercised by the President of the United States, or such officer or agency as he may designate: *Provided*, That all property vested in or transferred to the President of the United States, the Alien Property Custodian, or any such officer or agency as the President of the United States may designate under the Trading With the Enemy Act, as amended, which was located in the Philippines at the time of such vesting, or the proceeds thereof, and which shall remain after the satisfaction of any claim payable under the Trading With the Enemy Act, as amended, and after the payment of such costs and expenses of administration as may by law be charged against such property or proceeds, shall be transferred by the President of the United States to the Republic of the Philippines: *Provided further*, That such property, or proceeds thereof, may be transferred by the President of the United States to the Republic of the Philippines upon indemnification acceptable to the President of the United States by the Republic of the Philippines for such claims, costs, and expenses of administration as may by law be charged against such property or proceeds thereof before final adjudication of such claims, costs, and expenses of administration: *Provided further*, That the courts of first instance of the Republic of the Philippines are given jurisdiction to make and enter all such rules as to notice or otherwise, and all such orders and decrees, and to issue such process as may be necessary and proper in the premises to enforce any orders, rules, and regulatic..s issued by the President of the United States, the Alien Property Custodian, or such officer or agency designated by the President of the United States pursuant to the Trading With the Enemy Act, as amended, with such right of appeal therefrom as may be provided by law: *And provided further*, That any suit authorized under the Trading With the Enemy Act, as amended, with respect to property vested in or transferred to the President of the United States, the Alien Property Custodian, or any officer or agency designated by the President of the United States hereunder, which at the time of such vesting or transfer was located within the Philippines, shall after July 4, 1946, be brought, in the appropriate court of first instance of the Republic of the Philippines, against the officer or agency hereunder designated by the President of the United States with such right of appeal therefrom as may be provided by law, but suits with respect to such property shall after ninety days from December 21, 1950, be brought only in the courts of the United States.

(July 3, 1946, ch. 536, § 3, 60 Stat. 418; Dec. 21, 1950, ch. 1144, 64 Stat. 1116.)

References in Text

The Trading With the Enemy Act of October 6, 1917, as amended, referred to in text, is act Oct. 6, 1917, ch. 106, 40 Stat. 411, as amended, which is classified to sections 1 to 6, 7 to 39 and 41 to 44 of Title 50, Appendix, War and National Defense. For complete classification of this Act to the Code, see Tables volume.

Amendments

1950—Act Dec. 21, 1950, required that 90 days after Dec. 21, 1950, all suits against the Philippine Alien Property Administration be brought in United States courts instead of in Philippine courts.

Termination of Philippine Alien Property Administration; Transfer of Functions

Section 101 of act Sept. 6, 1950, ch. 896, ch. VIII, title I 64 Stat. 699, provided in part that the Philippine Alien Property Administration cease to exist after June 30, 1951, and all duties performed by such Administration as of that date be transferred to the Office of Alien Property Custodian, including all records, files, and other property.

Ex. Ord. No. 9789

Ex. Ord. No. 9789, Oct. 14, 1946, 11 F.R. 11981, related to the establishment of the Philippine Alien Property Administration, and was superseded by Ex. Ord. No. 9818, formerly set out as a note under this section.

EX. ORD. NO. 9818

Ex. Ord. No. 9818, Jan. 8, 1947, 12 F.R. 133, amended Oct. 15, 1949, ch. 695, § 5(a), 63 Stat. 880, related to the establishment of the Philippine Alien Property Administration, and was omitted under the authority of Ex. Ord. No. 10254, set out as a note under this section, which terminated the Administration.

EX. ORD. NO. 9876

Ex. Ord. No. 9876, July 25, 1947, 12 F.R. 4981, authorized the delegation of certain presidential functions to the Philippine Alien Property Administrator and was omitted in view of Ex. Ord. No. 10254, set out as a note under this section, which terminated the Administration.

EX. ORD. NO. 9921

Ex. Ord. No. 9921, Jan 10, 1948, 13 F.R. 171, authorized the Philippine Alien Property Administrator to transfer certain property to the Republic of the Philippines, and was omitted under the authority of Ex. Ord. No. 10254, set out as a note under this section, which terminated the Alien Property Administration.

EX. ORD. NO. 10254. TERMINATION OF PHILIPPINE ALIEN PROPERTY ADMINISTRATION AND TRANSFER OF FUNCTIONS TO DEPARTMENT OF JUSTICE

Ex. Ord. No. 10254, June 15, 1951, 16 F.R. 5829, provided:

1. The Philippine Alien Property Administration, established by Executive Order No. 9818 of January 7, 1947 [formerly set out as note under this section], is hereby terminated. All authority, rights, privileges, powers, duties, and functions vested in such Administration or in the Philippine Alien Property Administrator or transferred or delegated thereto are hereby vested in or transferred or delegated to the Attorney General, as the case may be, and shall be administered by him or under his direction and control by such officers and agencies of the Department of Justice as he may designate.

2. All property or interests vested in or transferred to the Philippine Alien Property Administration or the Administrator thereof, and all proceeds thereof, which are held or administered by the Philippine Alien Property Administration or the Administrator thereof are hereby transferred to the Attorney General of the United States.

3. All personnel, records, files, furniture, funds, authorizations, equipment, and supplies of the Philippine Alien Property Administration are hereby transferred to the Department of Justice.

4. All necessary expenses incurred in the administration or operation of the functions, duties, authority, rights, privileges, and powers hereby vested in or transferred or delegated to the Attorney General shall be paid, to the extent permitted and in the manner prescribed by law, from funds or property or interests vested in or transferred to the Attorney General by or pursuant to the authority contained in this order, so as to prevent diminution of funds otherwise available for the War Claims Fund under section 39 of the Trading with the Enemy Act, as amended by section 12 of the act of July 3, 1948, 62 Stat. 1246 [section 39 of Title 50, Appendix, War and National Defense].

This order shall become effective at the close of business in Washington, D.C., on June 29, 1951, and shall at that time supersede all prior Executive orders to the extent that they are in conflict with this order.

TRANSFER OF ALIEN PROPERTY CUSTODIAN FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interests in the Philippines, are now vested in the Attorney General. See notes to section 6 of Title 50, Appendix, War and National Defense.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1383 of this title.

§ 1383. Transfer of property by President of United States

In respect to property not transferable to the Republic of the Philippines under section 1382 of this title, the President of the United States is authorized, in his discretion and under such terms and conditions as he may deem appropriate, to transfer to the Republic of the Philippines any or all of the right, title, and interest of the Government of the United States or its agencies or instrumentalities to any or all real and personal property vested in such agencies or instrumentalities.

(July 3, 1946, ch. 536, § 4, 60 Stat. 419.)

EX. ORD. NO. 9937. DELEGATION OF PRESIDENT'S AUTHORITY TO AGENCIES PARTICIPATING IN THE PHILIPPINE RECOVERY PROGRAM

Ex. Ord. No. 9937, Mar. 20, 1948, 13 F.R. 1503 as amended by act June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; 1949 Reorg. Plan No. 7, § 2, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1070; 1950 Reorg. Plan No. 21, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1273, provided:

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States, it is hereby ordered as follows:

The Commissioner of Public Roads of the Department of Commerce, the Chief of Engineers of the United States Army, the Philippine War Damage Commission, the Surgeon General of the Public Health Service of the Federal Security Agency, the Maritime Administration, the Director of the Fish and Wildlife Service [now the United States Fish and Wildlife Service] of the Department of the Interior, and the Administrator of Civil Aeronautics, the Chief of the Weather Bureau [now the National Weather Service], and the Director of the Coast and Geodetic Survey [now the National Ocean Survey] of the Department of Commerce are hereby authorized, as to their respective agencies, to exercise the authority vested in the President by section 4 of the Philippine Property Act of 1946 (60 Stat. 419) [this section]: *Provided*, that this authority shall be exercised only with respect to property located in the Philippines in the possession and control of the respective agencies and utilized in carrying out the provisions of Title III of the Philippine Rehabilitation Act of 1946 (60 Stat. 135) [sections 1781 to 1789 of Title 50, Appendix, War and National Defense].

§ 1384. Transfer of shares of corporations owning agricultural lands; consideration; indemnification

Immediately upon passage of this subchapter the Alien Property Custodian of the United States shall enter into an agreement with the President of the Philippines to transfer to the Philippine Government for a nominal cash consideration all shares now vested or hereafter vested by the Alien Property Custodian of corporations owning in fee, leasing, or otherwise operating or controlling agricultural lands in the Philippines, other agricultural lands in the Philippines, vested or hereafter vested by the Alien Property Custodian not included in the foregoing, and improved property in Manila vested or hereafter vested by the Alien Property Custodian which in his judgment is urgently needed for the operation of an administrative agency of the Philippine Government: *Provided*, That in respect to property transferred under this section to the Philippine Government, it shall be made a part of the agreement that the Philippine Government shall fully indemnify the United States for all claims pay-

able under the Trading With the Enemy Act, as amended, and for all such costs and expenses of administration as may by law be charged against such property or proceeds thereof.

(July 3, 1946, ch. 536, § 5, 60 Stat. 419.)

REFERENCES IN TEXT

The Trading With the Enemy Act, as amended, referred to in text, is act Oct. 6, 1917, ch. 106, 40 Stat. 411, as amended, which is classified to sections 1 to 6, 7 to 39 and 41 to 44 of Title 50, Appendix, War and National Defense. For complete classification of this Act to the Code, see Tables volume.

TRANSFER OF ALIEN PROPERTY CUSTODIAN FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interests in the Philippines, are now vested in the Attorney General. See notes to section 6 of Title 50, Appendix, War and National Defense.

§ 1385. Ownership of naval reservations, diplomatic property, etc., unaffected

Nothing contained in this subchapter shall be construed as amending the provisions of the Act of March 24, 1934 (48 Stat. 456), as amended, respecting naval reservations and fueling stations, and diplomatic or consular property, and the property of the High Commissioner to the Philippine Islands, nor as amending the provisions of section 1392 of this title, respecting bases for the mutual protection of the Philippine Islands and the United States.

(July 3, 1946, ch. 536, § 6, 60 Stat. 419.)

REFERENCES IN TEXT

Act of March 24, 1934 (48 Stat. 456), as amended, referred to in text, is act Mar. 24, 1934, ch. 84, 48 Stat. 456, as amended, which enacted sections 1281a, 1391, 1393, to 1395 of this title, and section 1248 of Title 48, Territories and Insular Possessions, amended sections 1231 to 1234, 1237, 1238, 1239, 1241 to 1243, 1245, and 1247, of title 48, and enacted a provision set out as a note under section 1391 of this title. For complete classification of this Act to the Code, see Tables volume.

§ 1386. Definitions

For the purposes of this subchapter the term "Philippine Government" shall mean "Government of the Commonwealth of the Philippines" until the date of independence, and thereafter it shall mean the "Government of the Republic of the Philippines".

(July 3, 1946, ch. 536, § 7, 60 Stat. 420.)

REFERENCES IN TEXT

Date of independence, referred to in text, was July 4, 1946 as recognized by 1946 Proc. No. 2695, eff. July 4, 1946, set out as a note under section 1394 of this title.

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

§ 1391. Transfer of property and rights to Philippine Commonwealth

All the property and rights which may have been acquired in the Philippine Islands by the United States under the treaties mentioned in the first section of this Act, except such land or other property as has heretofore been designated by the President of the United States for Military and other reservations of the Government of the United States, and except such land or other property or rights or interests therein as may have been sold or otherwise disposed of in accordance with law, are granted to the government of the Commonwealth of the Philippine Islands when constituted.

(Mar. 24, 1934, ch. 84, § 5, 48 Stat. 459.)

REFERENCES IN TEXT

Treaties mentioned in the first section of this act, referred to in text, were treaty of peace between the United States and Spain of December 10, 1898, and treaty between Spain and the United States concluded at Washington, Nov. 7, 1900.

The first section of this Act, referred to in text, is section 1 of act Mar. 24, 1934. Section 1 was classified to section 1231 of Title 48, Territories and Insular Possessions, and was omitted as executed.

Since their independence, the Philippine Islands have been a republic, and are no longer designated as a "Commonwealth", referred to in the text. See note below.

PRIOR PROVISIONS

Similar provisions were contained in act Jan. 17, 1933, ch. 11, § 5, 47 Stat. 764.

SEPARABILITY OF PROVISIONS

Section 16 of act Mar. 24, 1934, provided: "If any provision of this Act [section 1281a, and sections 1391, 1393 to 1395 of this title, amendment to sections 1231 to 1234, 1237 to 1239, 1241 to 1243, 1245, 1247, and 1248 of Title 48, Territories and Insular Possessions] is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of the act and the applicability of such provisions and circumstances shall not be affected thereby."

PHILIPPINE INDEPENDENCE

The Philippine Islands were granted their independence by Proc. No. 2695, which is set out as a note under section 1394 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1394 of this title.

§ 1392. Acquisition of military and naval bases by United States

After negotiation with the President of the Commonwealth of the Philippines, or the President of the Filipino Republic, the President of the United States is authorized by such means as he finds appropriate to withhold or to acquire and to retain such bases, necessary appurtenances to such bases, and the rights incident thereto, in addition to any provided for by the Act of March 24, 1934, as he may deem necessary for the mutual protection of the Philippine Islands and of the United States.

(June 29, 1944, ch. 322, § 2, 58 Stat. 626.)

REFERENCES IN TEXT

Act of March 24, 1934 (48 Stat. 456), as amended, referred to in text, is act Mar. 24, 1934, ch. 84, 48 Stat. 456, as amended, which enacted sections 1281a, 1391, 1393 to 1395 of this title, and section 1248 of Title 48, Territories and Insular Possessions, amended sections 1231 to 1234, 1237, 1238, 1239, 1241 to 1243, 1245, and 1247 of title 48, and enacted a provision set out as a note under section 1391 of this title. For complete classification of this Act to the Code, see Tables volume.

PHILIPPINE INDEPENDENCE

The Philippine Islands were granted their independence by Proc. No. 2695, which is set out as a note under section 1394 of this title, and they now constitute a republic.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1385 of this title.

§ 1393. Supplementary sinking fund for bond payments; purchase of bonds by United States; creation of special trust account

(a) to (f). Repealed. Apr. 30, 1946, ch. 244, title V, § 511(2), 60 Stat. 158.

(g)(1) The Philippine Government shall pay to the Secretary of the Treasury of the United States, at the end of each calendar quarter, all of the moneys received during such quarter from export taxes (less refunds), imposed and collected in accordance with the provisions of this section, and said moneys shall be deposited in an account with the Treasurer of the United States and shall constitute a supplementary sinking fund for the payment of bonds of the Philippines, its Provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of Congress: *Provided, however,* That moneys received from any export tax imposed on any article which is shipped from the Philippines to the United States prior to July 4, 1946, and which is entered, or withdrawn from warehouse for consumption, on or after July 4, 1946, shall be refunded by the independent Government of the Philippines.

(2) The said Secretary of the Treasury is authorized to accept the deposits of the proceeds of the export taxes referred to in subdivision (1) of this subsection in accordance with section 1333 of this title.

(3) The Secretary of the Treasury of the United States, with the approval of the Philippine Government, is authorized to purchase with such supplementary sinking-fund bonds of the Philippines, its Provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of Congress and to invest such fund in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Whenever the Secretary of the Treasurer[1] finds that such fund is in excess of an amount adequate to meet future interest and principal payments on all such bonds, he may, with the approval of the Philippine Government, purchase with such excess any other bonds of the Philippines, its Provinces, cities, municipalities, and instrumentalities. For the purpose of this subsection obligations may be acquired on original issue at par, or by purchase of outstanding obligations at the market price. Any obligations acquired by the fund may, with the approval of the Philippine Government, be sold by the Secretary of the Treasury at the market price and the proceeds of such sale and the proceeds of the payment upon maturity or redemption of any obligations held in the supplementary sinking fund, as well as all moneys in any manner earned by such fund or on any obligations acquired by said fund, shall be paid into the said fund.

[1] So in original. Probably should read "Treasury".

(4) During the three months preceding July 4, 1946, the Philippine Government and the Secretary of the Treasury of the United States shall confer to ascertain that portion of the bonds of the Philippines, its Provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of Congress, which will remain outstanding on July 4, 1946; and the Philippine Government shall turn over to the Secretary of the Treasury of the United States for destruction all such bonds that are then held, canceled, or uncanceled, in any of the sinking funds maintained for the payment of such bonds. After such outstanding portion of this indebtedness is thus determined, and before July 4, 1946, (i) there shall be set up with the Treasurer of the United States a special trust account in the name of the Secretary of the Treasury of the United States to pay future interest and principal payments on such bonds; (ii) the Philippine Government shall pay to the Secretary of the Treasury of the United States for deposit in this special trust account all of the sinking funds maintained for the payment of such bonds; and (iii) the Secretary of the Treasury of the United States shall transfer into this special trust account all of the proceeds of the supplementary sinking fund referred to in subdivision (1) of this subsection. Any portion of such special trust account found by the Secretary of the Treasury of the United States on July 4, 1946, to be in excess of an amount adequate to meet future interest and principal payments on all such outstanding bonds shall be turned over to the Treasury of the independent Government of the Philippines to be set up as an additional sinking fund to be used for the purpose of liquidating and paying all other obligations of the Philippines, its Provinces, cities, municipalities, and instrumentalities. To the extent that such special trust account is determined by the Secretary of the Treasury of the United States to be insufficient to pay interest and principal on the outstanding bonds of the Philippines, its Provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of Congress, the Philippine Government shall, on or before July 3, 1946, pay to the Secretary of the Treasury of the United States for deposit in such special trust account an amount which said Secretary of the Treasury determines is required to assure payment of principal and interest on such bonds: *Provided, however,* That if the Secretary of the Treasury of the United States finds that this requirement would impose an undue hardship upon the Philippines, then the Philippine Government shall continue to provide annually the necessary funds for the payment of interest and principal on such bonds until such time as the Secretary of the Treasury of the United States determines that the amount in the special trust account is adequate to meet interest and principal payments on such bonds.

(5) On and after July 4, 1946, the Secretary of the Treasury of the United States is authorized, with the approval of the independent Government of the Philippines, to purchase at the market price for the special trust account bonds of the Philippines, its Provinces, cities, and municipalities, issued prior to May 1, 1934,

under authority of Acts of Congress. The Secretary of the Treasury of the United States is also authorized, with the approval of the independent Government of the Philippines, to invest all or any part of such special trust account in any interest-bearing obligations of the United States or in any obligations guaranteed as to both principal and interest by the United States. Such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price, and any obligations acquired by the special trust account may, with the approval of the independent Government of the Philippines, be sold by the Secretary of the Treasury at the market price, and the proceeds of the payment upon maturity or redemption of such obligations shall be held as a part of such special trust account. Whenever the special trust account is determined by the Secretary of the Treasury of the United States to be adequate to meet interest and principal payments on all outstanding bonds of the Philippines, its Provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of Congress, the Secretary of the Treasury is authorized to pay from such trust account the principal of such outstanding bonds and to pay all interest due and owing on such bonds. All such bonds and interest coupons paid or purchased by the special trust account shall be canceled and destroyed by the Secretary of the Treasury of the United States. From time to time after July 4, 1946, any moneys in such special trust account found by the Secretary of the Treasury of the United States to be in excess of an amount adequate to meet interest and principal payments on all such bonds shall be turned over to the treasurer of the independent Government of the Philippines.

(Mar. 24, 1934, ch. 84, § 6, 48 Stat. 459; Aug. 7, 1939, ch. 502, § 1, 53 Stat. 1226; Apr. 30, 1946, ch. 244, title V, § 511(2), 60 Stat. 158; Sept. 22, 1959, Pub. L. 86-346, title I, § 104(1), 73 Stat. 622.)

REFERENCES IN TEXT

Section 1333 of this title, referred to in subsec. (g)(2), has been omitted from the Code as executed.

PRIOR PROVISIONS

Similar provisions were contained in act Jan. 17, 1933, ch. 11, § 6, 47 Stat. 764.

AMENDMENTS

1959—Subsec. (g)(5). Pub. L. 86-346 substituted "on original issue at the issue price" for "on original issue at par".

1946—Act Apr. 30, 1946, repealed opening par. and subsecs. (a) to (f), (h) relating to relations with the United States pending complete independence, and trade relations.

1939—Act Aug. 7, 1939, amended section generally, and, among other changes, added subsection (g) and former subsections (e) and (h).

EFFECTIVE DATE OF 1946 AMENDMENT

Effective date of act Apr. 30, 1946, see Effective Date note set out under section 1354 of this title.

TERMINATION OF ACCEPTANCE OF DEPOSITS OF EXPORT TAXES

The authority of the Secretary of the Treasury to accept deposits of proceeds of export taxes in accordance with section 1333 of this title terminated on July 1, 1951, under the provisions of act Aug. 7, 1946, ch. 809, § 2, 60 Stat. 901.

CROSS REFERENCES

Trade relations between the United States and the Philippines after their independence, see sections 1354 to 1358, 1360 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1395 of this title.

§ 1394. Recognition of Philippine independence

(a) Withdrawal of American sovereignty

On the 4th day of July immediately following the expiration of a period of ten years from the date of the inauguration of the new government under the constitution provided for in this Act, the President of the United States shall by proclamation withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty then existing and exercised by the United States in and over the territory and people of the Philippine Islands, including all military and other reservations of the Government of the United States in the Philippines (except such naval reservations and fueling stations as are reserved under section 1391 of this title), and, on behalf of the United States, shall recognize the independence of the Philippine Islands as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, under the constitution then in force.

(b) Naval reservations and fueling stations

The President of the United States is authorized and empowered to enter into negotiations with the government of the Philippine Islands, not later than two years after his proclamation recognizing the independence of the Philippine Islands, for the adjustment and settlement of all questions relating to naval reservations and fueling stations of the United States in the Philippine Islands, and pending such adjustment and settlement the matter of naval reservations and fueling stations shall remain in its present status.

(c) Property for diplomatic purposes

(1) Whenever the President of the United States shall find that any properties in the Philippines, owned by the Philippine Government or by private persons, would be suitable for diplomatic or consular establishments of the United States after the inauguration of the independent Government, he may, with the approval of the Philippine Government, and in exchange for the conveyance of title to the United States, transfer to the said Government or private persons any properties of the United States in the Philippines. Title to any properties so transferred to private persons, and title to any properties so acquired by the United States, shall be vested in fee simple in such persons and the United States, respectively, notwithstanding the provisions contained in subsection (a) of this section.

(2) Whenever, prior to July 4, 1946, the President of the United States shall find that any properties of the United States in the Philippines would be suitable for diplomatic and con-

sular establishments of the United States after the inauguration of the independent Government, he shall designate the same by the issuance of a proclamation or proclamations, and title to any properties so designated shall continue to be vested in fee simple in the United States notwithstanding the provisions contained in subsection (a) of this section.

(3) Title to the lands and buildings pertaining to the official residences of the United States High Commissioner to the Philippine Islands in the cities of Manila and Baguio, together with all fixtures and movable objects, shall continue to be vested in the United States after July 4, 1946, notwithstanding the provisions contained in subsection (a) of this section.

(4) Administrative supervision and control over and properties acquired or designated by the President of the United States pursuant to this subsection, and over the official residences in the Philippines of the High Commissioner, shall, on and after July 4, 1946, be exercised by the Secretary of State, in accordance with Acts of Congress relating to property held by the United States in foreign countries for official establishments.

(Mar. 24, 1934, ch. 84, § 10, 48 Stat. 463; Aug. 7, 1939, ch. 502, § 3, 53 Stat. 1230.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is act Mar. 24, 1934, ch. 84, 48 Stat. 456, which enacted sections 1281a, 1391, 1393 to 1395 of this title, and section 1248 of Title 48, Territories and Insular Possessions, amended sections 1231 to 1234, 1237, 1238, 1239, 1241 to 1243, 1245, and 1247 of title 48, and enacted a provision set out as a note under section 1391 of this title. For complete classification of this Act to the Code, see Tables volume.

PRIOR PROVISIONS

Provisions similar to those contained in subsec. (a) of this section were contained in the first par. of section 10 of act Jan. 17, 1933, ch. 11, 47 Stat. 768.

AMENDMENTS

1939—Subsec. (c). Act Aug. 7, 1939 added subsec. (c).

EFFECTIVE DATE OF 1939 AMENDMENT

Section 7 of act Aug. 7, 1939, provided that act Aug. 7, 1939, should become effective on Jan. 1, 1940, if certain conditions were fulfilled. The conditions were fulfilled and section became effective on said date.

INDEPENDENCE DATE ADVANCED

Section 3 of act June 29, 1944, ch. 322, 58 Stat. 625, provided in part that date of independence could be advanced prior to July 4, 1946, but it was not done.

PROC. NO. 2695. PHILIPPINE INDEPENDENCE

Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, provided:

The United States of America hereby withdraws and surrenders all rights of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States of America in and over the territory and people of the Philippines; and,

On behalf of the United States of America, I do hereby recognize the independence of the Philippines as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, under the constitution now in force.

CROSS REFERENCES

Trade relations between the United States and the Philippines after their independence, see sections 1354 to 1358, 1360 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1395 of this title.

§ 1395. Definitions

(a) As used in sections 1393 and 1394 of this title—

(1) The term "United States", when used in a geographical sense, but not the term "continental United States", includes all Territories and possessions of the United States, other than the Philippines.

(2) The term "cordage" includes yarns, twines (including binding twine described in paragraph 1622 of section 1201 of title 19), cords, cordage, rope and cable, tarred or untarred, wholly or in chief value of manila (abaca) or other hard fiber.

(3) The term "Philippine Government" means the Government of the Commonwealth of the Philippines.

(4) The term "United States duty", when used in connection with the computation of export taxes, means the lowest rate of ordinary customs duty in effect at the time of the shipment of the article concerned from the Philippines and applicable to like articles imported into the continental United States from any foreign country, except Cuba, or when more than one rate of ordinary customs duty is applicable to such like articles, the aggregate of such rates.

(5) The term "refined sugars" possesses the same meaning as the term "direct-consumption sugar" as defined in section 1101 of title 7.

(6) The term "Philippine article" means an article the growth, produce, or manufacture of the Philippines, in the production of which no materials of other than Philippine or United States origin valued in excess of 20 per centum of the total value of such article was used and which is brought into the United States from the Philippines.

(7) The term "American article" means an article the growth, produce, or manufacture of the United States, in the production of which no materials of other than Philippine or United States origin valued in excess of 20 per centum of the total value of such article was used and which is brought into the Philippines from the United States.

(8) The term "Philippine import duty" means the lowest rate of ordinary customs duty applicable at the port of arrival, at the time of entry, or withdrawal from warehouse, for consumption of the article concerned, to like articles imported into the Philippines from any other foreign country, or when more than one rate of ordinary customs duty is applicable to such like articles, the aggregate of such rates.

(b) As used in subsection (a) of this section:

(1) The terms "includes" and "including" shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(2) The term "ordinary customs duty" shall not include any import duty or charge which is imposed to compensate for an internal tax imposed in respect of a like domestic product or in respect of a commodity from which the imported product has been manufactured or produced in whole or in part.

(Mar. 24, 1934, ch. 84, § 18, as added Aug. 7, 1939, ch. 502, § 5, 53 Stat. 1231.)

REFERENCES IN TEXT

Par. 1622 of section 1201 of title 19, referred to in subsec. (a)(2), was repealed by act May 24, 1962, Pub. L. 87-456, title I, § 101(a), 76 Stat. 72. See Tariff Schedules of United States, section 1202 of Title 19, Customs Duties.

Since their independence, the Philippine Islands have been a republic, and are no longer designated as a "Commonwealth" as referred to in par. (3) of subsec. (a) of this section. See note below.

Section 1101 of title 7, referred to in subsec. (a)(5), was omitted from the Code as executed.

PHILIPPINE INDEPENDENCE

The Philippine Islands were granted their independence by Proc. No. 2695, which is set out as a note under section 1394 of this title.

CHAPTER 16—GREEK AND TURKISH ASSISTANCE

§§ 1401 to 1410. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(1), (4), 68 Stat. 861

Section 1401, acts May 22, 1947, ch. 81, § 1, 61 Stat. 103; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43, authorized the President to furnish assistance and prescribed the type of assistance to be furnished. See sections 1451 to 1453 and 2395 of this title.

Section 1402, act May 22, 1947, ch. 81, § 2, 61 Stat. 104, related to allocation of funds to Government agencies. See section 2392 of this title.

Section 1403, act May 22, 1947, ch. 81, § 3, 61 Stat. 104, prescribed conditions precedent to receipt of assistance.

Section 1404, acts May 22, 1947, ch. 81, § 4, 61 Stat. 105; Apr. 3, 1948, ch. 169, title III, § 303, 62 Stat. 158, related to advancement and reimbursement of funds by and to R.F.C. and appropriations.

Section 1405, act May 22, 1947, ch. 81, § 5, 61 Stat. 105, related to rules and regulations and withdrawal of aid. See section 2367 of this title.

Section 1406, act May 22, 1947, ch. 81, § 6, 61 Stat. 105, related to termination of assistance and is covered by section 2367 of this title.

Section 1407, act May 22, 1947, ch. 81, § 7, 61 Stat. 105, required the President to submit quarterly reports to Congress. See section 2394 of this title.

Section 1408, act May 22, 1947, ch. 81, § 8, 61 Stat. 105, related to appointment and duties of chief of any mission to Greece and Turkey. See section 2391 of this title.

Section 1409, act Apr. 3, 1948, ch. 169, title III, § 302, 62 Stat. 158, related to additional appropriations.

Section 1410, act Apr. 3, 1948, ch. 169, title III, § 304, 62 Stat. 158, related to detail of certain personnel to missions in Greece and Turkey, and loyalty check.

See section 2151 et seq. of this title.

CHAPTER 17—RELIEF AID TO WAR-DEVASTATED COUNTRIES

§§ 1411 to 1417. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(2), (3), 68 Stat. 861

Section 1411, acts May 31, 1947, ch. 90, § 1, 61 Stat. 125; Dec. 17, 1947, ch. 520, § 16(a), 61 Stat. 939; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43, related to appropriation; uses; establishment of relief distribution missions; limitations on amounts; and advances by R.F.C.

Section 1412, act May 31, 1947, ch. 90, § 2, 61 Stat. 125, related to relief assistance. See sections 2354, 2385, and 2392 of this title.

Section 1413, act May 31, 1947, ch. 90, § 3, 61 Stat. 126, prescribed conditions governing relief assistance. See section 2171 et seq. of this title.

Section 1414, act May 31, 1947, ch. 90, § 4, 61 Stat. 127, related to supervision of relief supplies in recipient countries; appointment, compensation, and duties of field administrator; and delegation of President's authority. See sections 2381 and 2385 of this title.

Section 1415, act May 31, 1947, ch. 90, § 5, 61 Stat. 127, related to termination of relief by President or Congress. See section 2367 of this title.

Section 1416, act May 31, 1947, ch. 90, § 6, 61 Stat. 128, related to sale of relief supplies by recipient country; establishment of special account as revolving fund; termination; and disposition of balance.

Section 1417, act May 31, 1947, ch. 90, § 7, 61 Stat. 128, required the President to submit quarterly reports to Congress. See section 2394 of this title.

See section 2151 et seq. of this title.

Foreign Aid Act of 1947, act Dec. 17, 1947, ch. 520, §§ 1 to 18, 61 Stat. 934, which provided immediate aid urgently needed by peoples of Austria, China, France, and Italy and which was formerly set out as a note under former section 1411 of this title, was repealed by act Aug. 26, 1954, § 542(a)(3).

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SUBCHAPTER VIII—APPROPRIATIONS AND OTHER FUNDS

1476. Prior authorizations by Congress.
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1480. Repealed.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2054, 2056, 2681 of this title.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1431. Congressional declaration of objectives

The Congress declares that the objectives of this chapter are to enable the Government of the United States to promote a better understanding of the United States in other countries, and to increase mutual understanding between the people of the United States and the people of other countries. Among the means to be used in achieving these objectives are—

(1) an information service to disseminate abroad information about the United States, its people, and policies promulgated by the Congress, the President, the Secretary of State and other responsible officials of Government having to do with matters affecting foreign affairs;

(2) Repealed. Pub. L. 87-256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538.

(Jan. 27, 1948, ch. 36, title I, § 2, 62 Stat. 6; Sept. 21, 1961, Pub. L. 87-256, § 111(a)(2), 75 Stat. 538.)

AMENDMENTS

1961—Pub. L. 87-256 repealed former par. (2), which authorized an educational exchange service to cooperate with other nations in the interchange of persons, knowledge, and skills, in the rendering of technical and other services, and in the interchange of developments in the field of education, the arts, and sciences. See section 2451 et seq. of this title.

SHORT TITLE

Section 1 of act Jan. 27, 1948 provided that: "This Act [enacting this chapter] may be cited as the 'United States Information and Educational Exchange Act of 1948'."

TERMINATION OF CHAPTER

Section 1006 of act Jan. 27, 1948, provided that: "The authority granted under this Act [this chapter] shall terminate whenever such termination is directed by concurrent resolution of the two Houses of the Congress."

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATIONS, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ACTIONS

Continuation in full force and effect, and applicability to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out as section 2451 et seq. of this title, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of this section, see section 111(b) of Pub. L. 87-256, set out as a note under section 2451 of this title.

SEPARABILITY OF PROVISIONS

Section 1010 of act Jan. 27, 1948, provided that: "If any provision of this Act [this chapter] or the application of any such provision to any person or circumstance shall be held invalid, the validity of the remainder of the Act [this chapter] and the applicability of such provision to other persons or circumstances shall not be affected thereby."

§ 1432. Information on United States participation in United Nations

In carrying out the objectives of this chapter, information concerning the participation of the United States in the United Nations, its organizations and functions, shall be emphasized.

(Jan. 27, 1948, ch. 36, title I, § 3, 62 Stat. 6.)

§ 1433. Definitions

When used in this chapter, the term—

(1) "Secretary" means the Secretary of State.

(2) "Department" means the Department of State.

(3) "Government agency" means any executive department, board, bureau, commission, or other agency of the Federal Government, or independent establishment, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(Jan. 27, 1948, ch. 36, title I, § 4, 62 Stat. 6.)

§ 1434. Loyalty check of personnel

No citizen or resident of the United States, whether or not now in the employ of the Government, may be employed or assigned to duties by the Government under this chapter until such individual has been investigated by the Civil Service Commission and a report thereon has been made to the Secretary of State. This section shall not apply in the case of any officer appointed by the President by and with the advice and consent of the Senate.

(Jan. 27, 1948, ch. 36, title X, § 1001, 62 Stat. 13; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43.)

Partial Repeal

Pub. L. 87-256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538, repealed this section insofar as it relates to persons employed or assigned to duties under the Mutual Educational and Cultural Exchange Act of 1961. See section 2451 et seq. of this title.

Codification

Clause *"Provided, however,* That any present employee of the Government, pending the report as to such employee by the Federal Bureau of Investigation, may be employed or assigned to duties under this chapter for the period of six months from January 27, 1948." was omitted as executed.

Amendments

1952—Act Apr. 5, 1952, substituted the "Civil Service Commission" for the "Federal Bureau of Investigation".

Time Limit for Transfer of Loyalty Investigative Functions to Civil Service Commission

Time limit for transfer of loyalty investigative functions from the Federal Bureau of Investigation to the Civil Service Commission as 180 days from Apr. 5, 1952, see section 2161 et seq. of Title 42, The Public Health and Welfare.

Availability of Appropriations for Transfer of Investigative Functions

Appropriations for departments and agencies, on whose account investigations are made, available for transfer to the Civil Service Commission or the Federal Bureau of Investigation, see section 2161 et seq. of Title 42, The Public Health and Welfare.

Continuation of Certain Executive Orders, Agreements, Determinations, Regulations, Contracts, Appointments, and Other Actions

Continuation in full force and effect, and applicability to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out as section 2451 et seq. of this title, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of this section, see section 111(b) of Pub. L. 87-256, set out as a note under section 2451 of this title.

Section Referred to in Other Sections

This section is referred to in title 5 section 1304.

§ 1435. Delegation of authority by Secretary of State

The Secretary may delegate, to such officers of the Government as the Secretary determines to be appropriate, any of the powers conferred upon him by this chapter to the extent that he finds such delegation to be in the interest of the purposes expressed in this chapter and the efficient administration of the programs undertaken pursuant to this chapter.

(Jan. 27, 1948, ch. 36, title X, § 1002, 62 Stat. 13.)

§ 1436. Restriction on disclosure of information

Nothing in this chapter shall authorize the disclosure of any information or knowledge in any case in which such disclosure (1) is prohibited by any other law of the United States, or (2) is inconsistent with the security of the United States.

(Jan. 27, 1948, ch. 36, title X, § 1003, 62 Stat. 13.)

§ 1437. Utilization of private agencies

In carrying out the provisions of this chapter it shall be the duty of the Secretary to utilize, to the maximum extent practicable, the services and facilities of private agencies, including existing American press, publishing, radio, motion picture, and other agencies, through contractual arrangements or otherwise. It is the intent of Congress that the Secretary shall encourage participation in carrying out the purposes of this chapter by the maximum number of different private agencies in each field consistent with the present or potential market for their services in each country.

(Jan. 27, 1948, ch. 36, title X, § 1005, 62 Stat. 14.)

§ 1438. Veterans' preference

No provision of this chapter shall be construed to modify or to repeal the provisions of sections 1302(b), (c), 2108, 3305(b), 3306(a)(2), 3308 to 3318, 3319(b), 3320, 3351, 3363, 3364, 3501 to 3504, 7511, 7512, and 7701 of title 5.

(Jan. 27, 1948, ch. 36, title X, § 1007, 62 Stat. 14.)

References in Text

Section 3364 of title 5, referred to in text, was repealed by Pub. L. 94-183, § 2(6), Dec. 31, 1975, 89 Stat. 1057.

Codification

"Sections 1302(b), (c), 2108, 3305(b), 3306(a)(2), 3308 to 3318, 3319(b), 3320, 3351, 3363, 3364, 3501 to 3504, 7511, 7512, and 7701 of title 5" was substituted for "the Veterans' Preference Act of 1944" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 1439. Reports to Congress

The Secretary shall submit to the Congress annual reports of expenditures made and activities carried on under authority of this chapter, including appraisals and measurements, where feasible, as to the effectiveness of the several programs in each country where conducted.

(Jan. 27, 1948, ch. 36, title X, § 1008, 62 Stat. 14; Oct. 26, 1974, Pub. L. 93-475, § 7, 88 Stat. 1440.)

PARTIAL REPEAL

Pub. L. 87-256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538, repealed this section insofar as it relates to educational exchange activities. See section 2451 et seq. of this title.

AMENDMENTS

1974—Pub. L. 93-475 substituted provisions requiring annual reports for provisions requiring semiannual reports.

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATIONS, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ACTIONS

Continuation in full force and effect, and applicability to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out as section 2451 et seq. of this title, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of this section, see section 111(b) of Pub. L. 87-256, set out as a note under section 2451 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1456 of this title.

§ 1440. Regulation of similar type international activities of State Department

All provisions in this chapter regulating the administration of international information activities and educational exchanges provided herein, shall apply to all such international activities under jurisdiction of the Department of State.

(Jan. 27, 1948, ch. 36, title X, § 1009, 62 Stat. 14.)

PARTIAL REPEAL

Pub. L. 87-256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538, repealed this section insofar as it relates to educational exchange activities. See section 2451 et seq. of this title.

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATIONS, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ACTIONS

Continuation in full force and effect, and applicability to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out as section 2451 et seq. of this title, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of this section, see section 111(b) of Pub. L. 87-256, set out as a note under section 2451 of this title.

§ 1441. Omitted

CODIFICATION

Section, based on third proviso under subheading "International Information and Education Activities" under heading "State Department" of Title I of the Supplemental Appropriation Act, 1950 (approved Oct. 14, 1949, ch. 694, 63 Stat. 878), authorized the acquisition of land outside the continental United States, and was not repeated in the Department of State Appropriation Act, 1951 (approved Sept. 6, 1950, ch. 896, ch. III, title I, 64 Stat. 609), or other appropriation acts.

§ 1442. Informational media guaranties

(a) Authorization to make

The Director of the United States Information Agency may make guaranties, in accordance with the provisions of subsection (b) of section 1933 of this title, of investments in enterprises producing or distributing informational media consistent with the national interests of the United States: *Provided*, That the purpose of making informational media guaranties shall be the achievement of the foreign policy objectives of the United States, including the objective mentioned in sections 1933(b)(4)(A) and 1933(b)(4)(G) of this title.

(b) Assumption of notes issued pursuant to section 1509(c)(2) of this title; advances

The Director is authorized to assume the obligation of not to exceed $28,000,000 of the notes authorized to be issued pursuant to section 1509(c)(2) of this title, together with the interest accrued and unpaid thereon, and to obtain advances from time to time from the Secretary of the Treasury up to such amount, less amounts previously advanced on such notes, as provided for in said notes. Such advances shall be deposited in a special account in the Treasury available for payments under informational media guaranties.

(c) Limitations of time; total of guaranties outstanding

The Director is authorized to make informational media guaranties without regard to the limitations of time contained in section 1933(b)(4) of this title, but the total of such guaranties outstanding at any one time shall not exceed the sum of the face amount of the notes assumed by the Director less the amounts previously advanced on such notes by the Secretary of the Treasury plus the amount of the funds in the special account referred to in subsection (b) of this section.

(d) Sale of foreign currencies; special account; availability

Foreign currencies available after June 30, 1955, from conversions made pursuant to the obligation of informational media guaranties may be sold, in accordance with Treasury Department regulations, for dollars which shall be deposited in the special account and shall be available for payments under new guaranties. Such currencies shall be available, as may be provided for by the Congress in appropriation Acts, for use for educational, scientific, and cultural purposes which are in the national interest of the United States, and for such other purposes of mutual interest as may be agreed to by the governments of the United States and the country from which the currencies derive.

(e) Deposit of fees; availability

Notwithstanding the provisions of section 1933(b)(4)(E) of this title, (1) fees collected for the issuance of informational media guaranties shall be deposited in the special account and

shall be available for payments under informational media guaranties; and (2) the Director may require the payment of a minimum charge of up to fifty dollars for issuance of guaranty contracts, or amendments thereto.

(f) Advance payments

The Director is further authorized, under such terms as he may prescribe, to make advance payments under informational media guaranties: *Provided,* That currencies receivable from holders of such guaranties on account of such advance payments shall be paid to the United States within nine months from the date of the advance payment and that appropriate security to assure such payments is required before any advance payment is made.

(g) Separate accounts; transfers

As soon as feasible after July 18, 1956, all assets, liabilities, income, expenses, and charges of whatever kind pertaining to informational media guaranties, including any charges against the authority to issue notes provided in section 1509(c)(2) of this title, cumulative from April 3, 1948, shall be accounted for separately from other guaranties issued pursuant to section 1933(b) of this title: *Provided,* That there shall be transferred from the special account established pursuant to subsection (b) of this section, into the account available for payments under guaranties other than the informational media guaranties, an amount equal to the total of the fees received for the issuance of guaranties other than informational media guaranties, and used to make payments under informational media guaranties.

(h) Appropriations for restoration of realized impairment to capital

(1) There is authorized to be appropriated annually an amount to restore in whole or in part any realized impairment to the capital used in carrying on the authority to make informational media guaranties, as provided in subsection (c) of this section, through the end of the last completed fiscal year.

(2) Such impairment shall consist of the amount by which the losses incurred and interest accrued on notes exceed the revenue earned and any previous appropriations made for the restoration of impairment. Losses shall include the dollar losses on foreign currencies sold, and the dollar cost of foreign currencies which (a) the Secretary of the Treasury, after consultation with the Director, has determined to be unavailable for, or in excess of, requirements of the United States, or (b) have been transferred to other accounts without reimbursement to the special account.

(3) Dollars appropriated pursuant to this section shall be applied to the payment of interest and in satisfaction of notes issued or assumed hereunder, and to the extent of such application to the principal of the notes, the Director is authorized to issue notes to the Secretary of the Treasury which will bear interest at a rate to be determined by the Secretary of the Treasury, taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the guaranties. The currencies determined to be unavailable for, or in excess of, requirements of the United States as provided above shall be transferred to the Secretary of the Treasury to be held until disposed of, and any dollar proceeds realized from such disposition shall be deposited in miscellaneous receipts.

(Jan. 27, 1948, ch. 36, title X, § 1011, as added Aug. 26, 1954, ch. 937, title V, § 544(a), 68 Stat. 862, and amended Aug. 26, 1954, ch. 937, title V, § 544(g), as added July 18, 1956, ch. 627, § 11(a), 70 Stat. 563, and amended Aug. 14, 1957, Pub. L. 85-141, § 11(b)(1), 71 Stat. 365; June 30, 1958, Pub. L. 85-477, ch. V, § 502(i), 72 Stat. 274; July 24, 1959, Pub. L. 86-108, ch. VII, § 701(c), 73 Stat. 257.)

REFERENCES IN TEXT

Section 1933 of this title, referred to in subsecs. (a), (c), (e) and (g), was repealed by Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, and is now covered by section 2351 of this title.

Section 1509 of this title, referred to in subsecs. (b) and (g), was repealed by act Aug. 26, 1954, ch. 937, title V, § 542(a)(4), (6), (9), (10), (11), 68 Stat. 861, see, now section 1754 et seq. of this title.

AMENDMENTS

1959—Subsec. (a). Pub. L. 86-108 provided that the purpose of making informational media guaranties shall be the achievement of the foreign policy objectives of the United States, including the objective mentioned in former sections 1933(b)(4)(A) and 1933(b)(4)(G) of this title, now covered by section 2351 of this title.

1958—Subsec. (h). Pub. L. 85-477 added subsec. (h).

1956—Subsec. (a). Act Aug. 26, 1954, § 544(g), as added by act July 18, 1956, designated as subsec. (a) the entire former section and amended it to eliminate provisions which permitted the Director to make guaranties against funds made available by notes issued pursuant to section 1509(c)(2) of this title and which limited the amount of such guaranties in any fiscal year to not more than $10,000,000. Such provisions were covered by subsecs. (b) to (g) of this section.

Subsecs. (b) to (g). Act Aug. 26, 1954, § 544(g), as added by act July 18, 1956, added subsecs (b) to (g).

REPEALS

Pub. L. 85-141 repealed section 544(a), (g) of act Aug. 26, 1954, except in so far as section 544(a), (g) affected this section.

SUBCHAPTER II—INTERCHANGE OF PERSONS, KNOWLEDGE, AND SKILLS BETWEEN UNITED STATES AND FOREIGN COUNTRIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1471 of this title.

§ 1446. Repealed. Pub. L. 87-256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538

Section, acts Jan. 27, 1948, ch. 36, title II, § 201, 62 Stat. 7; June 27, 1952, ch. 477, title IV, § 402(f), 66 Stat. 276; June 4, 1956, ch. 356, 70 Stat. 241, authorized the interchange of persons on a reciprocal basis between the United States and other countries, provided for orientation courses, admission as nonimmigrant visitors, deportation, and eligibility requirements for reentry under changed status. See section 2451 et seq. of this title.

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATIONS, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ACTIONS

Continuation in full force and effect, and applicability to the appropriate provisions of the Mutual Educa-

tional and Cultural Exchange Act of 1961, set out as section 2451 et seq. of this title, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of this section, see section 111(b) of Pub. L. 87-256, set out as a note under section 2451 of this title.

§ 1447. Books and materials

The Secretary is authorized to provide for interchanges between the United States and other countries of books and periodicals, including government publications, for the translation of such writings, and for the preparation, distribution, and interchange of other educational materials.

(Jan. 27, 1948, ch. 36, title II, § 202, 62 Stat. 7.)

Transfer of Functions

So much of the functions vested in the Secretary of State with respect to the interchange of books and periodicals and aid to libraries and communities centers under this section and section 1448 of this title as is an integral part of information programs under this chapter, together with so much of the functions as is incidental to or necessary for the performance of such functions, were transferred to the Director of the United States Information Agency by Reorg. Plan No. 8 of 1953, eff. Aug. 1, 1953, 18 F.R. 4542, set out as a note under section 1461 of this title.

§ 1448. Assistance to certain institutions abroad founded or sponsored by United States citizens

The Secretary is authorized to provide for assistance to schools, libraries, and community centers abroad, founded or sponsored by citizens of the United States, and serving as demonstration centers for methods and practices employed in the United States. In assisting any such schools, however, the Secretary shall exercise no control over their educational policies and shall in no case furnish assistance of any character which is not in keeping with the free democratic principles and the established foreign policy of the United States.

(Jan. 27, 1948, ch. 36, title II, § 203, 62 Stat. 7.)

Partial Repeal

Pub. L. 87-256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538, repealed this section insofar as it relates to schools. See section 2451 et seq. of this title.

Transfer of Functions

The functions vested in the Secretary of State by this section and section 1462 of this title, together with so much of the functions as is incidental to or necessary for the performance of such functions, was transferred to the Director of the United States Information Agency by Reorg. Plan No. 8, of 1953, eff. Aug. 1, 1953, 18 F.R. 4542, set out as a note under section 1461 of this title.

Continuation of Certain Executive Orders, Agreements, Determinations, Regulations, Contracts, Appointments, and Other Actions

Continuation in full force and effect, and applicability to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out as section 2451 et seq. of this title, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of this section, see section 111(b) of Pub. L. 87-256, set out as a note under section 2451 of this title.

Cross References

Foreign currencies from sales of surplus commodities, usage for purposes of this section, see section 1704 of Title 7, Agriculture.

SUBCHAPTER III—ASSIGNMENT OF SPECIALISTS

Subchapter Referred to in Other Sections

This subchapter is referred to in sections 280c, 965, 1458 of this title.

§ 1451. Assignment of Government employees to requesting countries; governing regulations

The Secretary is authorized, when the government of another country is desirous of obtaining the services of a person having special scientific or other technical or professional qualifications, from time to time to assign or authorize the assignment for service, to or in cooperation with such government, any citizen of the United States in the employ or service of the Government of the United States who has such qualifications, with the approval of the Government agency in which such person is employed or serving. No person shall be assigned for service to or in cooperation with the government of any country unless (1) the Secretary finds that such assignment is necessary in the national interest of the United States, or (2) such government agrees to reimburse the United States in an amount equal to the compensation, travel expenses, and allowances payable to such person during the period of such assignment in accordance with the provisions of section 1452 of this title, or (3) such government shall have made an advance of funds, property, or services as provided in section 1479 of this title. Nothing in this chapter, however, shall authorize the assignment of such personnel for service relating to the organization, training, operation, development, or combat equipment of the armed forces of a foreign government.

(Jan. 27, 1948, ch. 36, title III, § 301, 62 Stat. 7.)

References to Act May 25, 1938

Subsec. (c) of section 1004 of act Jan. 27, 1948, provided that: "Any reference in the Foreign Service Act of 1946 (60 Stat. 999) [section 801 et seq. of this title], or in any other law, to provisions of such Act of May 25, 1938, as amended [section 118e of former Title 5, Executive Departments and Government Officers and Employees], shall be construed to be applicable to the appropriate provisions of titles III and IX of this Act [sections 1451 to 1453, 1478, and 1479 of this title]."

Effectiveness of Executive Orders and Regulations Under Act May 25, 1938, Ch. 277, 52 Stat. 442

Subsec. (b) of section 1004 of act Jan. 27, 1948, provided that: "Existing Executive orders and regulations pertaining to the administration of such Act of May 25, 1938, as amended [former section 118e of former Title 5, Executive Departments and Government Officers and Employees], shall remain in effect until superseded by regulations prescribed under the provisions of this Act [this chapter]."

CROSS REFERENCES

Detail of Army, Navy, Air Force, and Marine Corps members to assist foreign governments in military matters, see section 712 of Title 10, Armed Forces.

§ 1452. Status and allowances of assigned personnel

Any citizen of the United States, while assigned for service to or in cooperation with another government under the authority of this chapter, shall be considered, for the purpose of preserving his rights, allowances, and privileges as such, an officer or employee of the Government of the United States and of the Government agency from which assigned and he shall continue to receive compensation from that agency. He may also receive, under such regulations as the President may prescribe, representation allowances similar to those allowed under section 1131(3) of this title. The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 5536 of title 5.

(Jan. 27, 1948, ch. 36, title III, § 302, 62 Stat. 8.)

REFERENCES IN TEXT

Section 1131(3) of this title, referred to in text, was amended in 1960, and representation allowances are now authorized by section 1131 of this title.

CODIFICATION

In the original, "section 5536 of title 5" read "section 1765 of the Revised Statutes", which was classified to section 70 of title 5. "Section 5536 of title 5" was substituted for "section 70 of title 5" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1451 of this title.

§ 1453. Acceptance of office under foreign governments of assigned personnel; oath of allegiance

Any citizen of the United States while assigned for service to or in cooperation with another government under authority of this chapter may, at the discretion of his Government agency, with the concurrence of the Secretary, and without additional compensation therefor, accept an office under the government to which he is assigned, if the acceptance of such an office in the opinion of such agency is necessary to permit the effective performance of duties for which he is assigned, including the making or approving on behalf of such foreign government the disbursement of funds provided by such government or of receiving from such foreign government funds for deposit and disbursement on behalf of such government, in carrying out programs undertaken pursuant to this chapter: *Provided, however,* That such acceptance of office shall in no case involve the taking of an oath of allegiance to another government.

(Jan. 27, 1948, ch. 36, title III, § 303, 62 Stat. 8.)

SUBCHAPTER IV—PARTICIPATION BY GOVERNMENT AGENCIES

§ 1456. Utilization of facilities and personnel of other Government agencies; reimbursement to agencies; report to Congress

The Secretary is authorized, in carrying on any activity under the authority of this chapter, to utilize, with the approval of the President, the services, facilities, and personnel of the other Government agencies. Whenever the Secretary shall use the services, facilities, or personnel of any Government agency for activities under authority of this chapter, the Secretary shall pay for such performance out of funds available to the Secretary under this chapter, either in advance, by reimbursement, or direct transfer. The Secretary shall include in each report submitted to the Congress under section 1439 of this title a statement of the services, facilities, and personnel of other Government agencies utilized in carrying on activities under the authority of this chapter, showing the names and salaries of the personnel utilized, or performing services utilized, during the period covered by such report, and the amounts paid to such other agencies under this section as payment for such performance.

(Jan. 27, 1948, ch. 36, title IV, § 401, 62 Stat. 8.)

§ 1457. Rendition of technical and other services to foreign governments; limitations

A Government agency, at the request of the Secretary, may perform such technical or other services as such agency may be competent to render for the government of another country desirous of obtaining such services, upon terms and conditions which are satisfactory to the Secretary and to the head of the Government agency, when it is determined by the Secretary that such services will contribute to the purposes of this chapter. However, nothing in this chapter shall authorize the performance of services relating to the organization, training, operation, development, or combat equipment of the armed forces of a foreign government.

(Jan. 27, 1948, ch. 36, title IV, § 402, 62 Stat. 9.)

§ 1458. Policy governing rendition of services

In authorizing the performance of technical and other services under this subchapter, it is the sense of the Congress (1) that the Secretary shall encourage through any appropriate Government agency the performance of such services to foreign governments by qualified private American individuals and agencies, and shall not enter into the performance of such services to any foreign government where such services may be performed adequately by qualified private American individuals and agencies and such qualified individuals and agencies are available for the performance of such services; (2) that if such services are rendered by a Government agency, they shall demonstrate the technical accomplishments of the United States, such services being of an advisory, investigative, or instructional nature, or a demonstration of a technical process; (3) that such services shall not include the construction of public works or the supervision of the construction of public works, and that, under authority

of this chapter, a Government agency shall render engineering services related to public works only when the Secretary shall determine that the national interest demands the rendering of such services by a Government agency, but this policy shall not be interpreted to preclude the assignment of individual specialists as advisers to other governments as provided under subchapter III of this chapter, together with such incidental assistance as may be necessary for the accomplishment of their individual assignments.

(Jan. 27, 1948, ch. 36, title IV, § 403, 62 Stat. 9.)

SUBCHAPTER V—DISSEMINATION ABROAD OF INFORMATION ABOUT THE UNITED STATES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1471 of this title.

§ 1461. General authorization

The Secretary is authorized, when he finds it appropriate, to provide for the preparation, and dissemination abroad, of information about the United States, its people, and its policies, through press, publications, radio, motion pictures, and other information media, and through information centers and instructors abroad. Any such information (other than "Problems of Communism" which may continue to be sold by the Government Printing Office) shall not be disseminated within the United States, its territories, or possessions, but, on request, shall be available in the English language at the Department of State, at all reasonable times following its release as information abroad, for examination only by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and by research students and scholars, and, on request, shall be made available for examination only to Members of Congress.

(Jan. 27, 1948, ch. 36, title V, § 501, 62 Stat. 9; July 13, 1972, Pub. L. 92-352, title II, § 204, 86 Stat. 494.)

AMENDMENTS

1972—Pub. L. 92-352 substituted provisions relating to the prohibition, except as otherwise provided, on the dissemination of information within the United States, its territories, or possessions, other than "Problems of Communism" which could continue to be sold at the Government Printing Office, for provisions relating to the availability of press release or radio scripts for examination by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and, on request, Members of Congress.

TRANSFER OF FUNCTIONS

The functions vested in the Secretary of State by this section and section 1462 of this title, together with so much of the functions as is incidental to or is necessary for the performance of such functions, were transferred to the Director of the United States Information Agency by Reorg. Plan No. 8 of 1953, eff. Aug. 1, 1953, 18 F.R. 4542, set out as a note below.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Director of the United States Information Agency, see Parts 1, 28A, and 30 of Ex. Ord. No. 11490, Oct. 28, 1969, 34 F.R. 17567, set out as a note under section 2292 of Title 50, Appendix, War and National Defense.

COMPENSATION OF DIRECTOR AND DEPUTY DIRECTOR OF UNITED STATES INFORMATION AGENCY

Compensation of Director, and Deputy Director, see sections 5313 and 5315 of Title 5, Government Organization and Employees.

REORGANIZATION PLAN NO. 8 OF 1953

Eff. Aug. 1, 1953, 18 F.R. 4542, 67 Stat. 642, as Amended June 28, 1955, ch. 189, § 12(c)(21), 69 Stat. 183

UNITED STATES INFORMATION AGENCY

§ 1. ESTABLISHMENT OF AGENCY

(a) There is hereby established a new agency which shall be known as the United States Information Agency, hereinafter referred to as the "Agency."

(b) There shall be at the head of the Agency a Director of the United States Information Agency, hereinafter referred to as the "Director." The Director shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate of $17,500 a year. The Secretary of State shall advise with the President concerning the appointment and tenure of the Director.

(c) There shall be in the Agency a Deputy Director of the United States Information Agency, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall receive compensation at the rate of $16,000 a year. The Deputy Director shall perform such functions as the Director shall from time to time designate, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(d) There are hereby established in the Agency so many new offices, not in excess of fifteen existing at any one time, and with such title or titles as the Director shall from time to time determine. Appointment thereto shall be under the classified civil service and the compensation thereof shall be fixed from time to time pursuant to the classification laws as now or hereafter amended.

§ 2. TRANSFER OF FUNCTIONS

(a) Subject to subsection (c) of this section, there are hereby transferred to the Director (1) the functions vested in the Secretary of State by title V of the United States Information and Educational Exchange Act of 1948, as amended [sections 1461 and 1462 of this title], and so much of functions with respect to the interchange of books and periodicals and aid to libraries and community centers under sections 202 and 203 of the said Act [sections 1447 and 1448 of this title], as is an integral part of information programs under that Act [this chapter], together with so much of the functions vested in the Secretary of State by other provisions of the said Act [this chapter] as is incidental to or is necessary for the performance of the functions under title V [sections 1461 and 1462 of this title], and sections 202 and 203 [sections 1447 and 1448 of this title] transferred by this section, and (2) functions of the Secretary of State with respect to information programs relating to Germany and Austria.

(b) Exclusive of so much thereof as is an integral part of economic or technical assistance programs, without regard to any inconsistent provision of Reorganization Plan No. 7 of 1953, and subject to subsection (c) of this section, functions with respect to foreign information programs vested by the Mutual Security Act of 1951, as amended [section 1651 et seq. of this title], in the Director for Mutual Security provided for in section 501 of the said Act [section 1652 of this title] are hereby transferred to the Director.

(c)(1) The Secretary of State shall direct the policy and control the content of a program, for use abroad, on official United States positions, including interpre-

tations of current events, identified as official positions by an exclusive descriptive label.

(2) The Secretary of State shall continue to provide to the Director on a current basis full guidance concerning the foreign policy of the United States.

(3) Nothing herein shall affect the functions of the Secretary of State with respect to conducting negotiations with other governments.

(d) To the extent the President deems it necessary in order to carry out the functions transferred by the foregoing provisions of this section, he may authorize the Director to exercise, in relation to the respective functions so transferred, any authority or part thereof available by law, including appropriation acts, to the Secretary of State, the Director for Mutual Security, or the Director of the Foreign Operations Administration, in respect of the said transferred functions.

§ 3. PERFORMANCE OF TRANSFERRED FUNCTIONS

(a) The Director may from time to time make such provisions as he shall deem appropriate authorizing the performance of any function of the Director by any other officer, or by any employee or organizational entity, of the Agency.

(b) Representatives of the United States carrying out the functions transferred by section 2 hereof in each foreign country shall be subject to such procedures as the President may prescribe to assure coordination among such representatives in each country under the leadership of the chief of the United States diplomatic mission.

§ 4. INCIDENTAL TRANSFERS

(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, employed, used, held available, or to be made available in connection with the functions transferred or vested by this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred to the Agency at such time or times as he shall direct.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

§ 5. INTERIM PROVISIONS

Pending the initial appointment under section 1 of this reorganization plan of the Director and Deputy Director, respectively, therein provided for, their functions shall be performed temporarily, but not for a period in excess of 60 days, by such officers of the Department of State or the Mutual Security Agency as the President shall designate.

§ 1461a. Omitted

CODIFICATION

Section, act Aug. 31, 1960, Pub. L. 86-678, title IV, § 401, 74 Stat. 569, which related to the exchange of funds in connection with establishments abroad, was from the Departments of State and Justice, the Judiciary, and Related Agencies Appropriation Act, 1961, and was not repeated in subsequent appropriation acts.

§ 1461b. Indemnification of owners of short-wave radio facilities against loss or damage

Notwithstanding the provisions of section 665 of title 31, the United States Information Agency is authorized in making contracts for the use of international short-wave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities.

(Pub. L. 94-362, title V, § 501, July 14, 1976, 90 Stat. 960.)

REFERENCES IN TEXT

The United States Information Agency, referred to in the text, was established by Reorg. Plan No. 8 of 1953, eff. Aug. 1, 1953, 18 F.R. 4542, 67 Stat. 642, set out as a note under section 1461 of this title.

CODIFICATION

Section was enacted as a part of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1977, and not as a part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Oct. 21, 1975, Pub. L. 94-121, title V, § 501, 89 Stat. 639.

Oct. 5, 1974, Pub. L. 93-433, title V, § 501, 88 Stat. 1207.

Nov. 27, 1973, Pub. L. 93-162, title V, § 501, 87 Stat. 657.

Oct. 25, 1972, Pub. L. 92-544, title V, § 501, 86 Stat. 1132.

Aug. 10, 1971, Pub. L. 92-77, title V, § 501, 85 Stat. 269.

Oct. 21, 1970, Pub. L. 91-472, title V, § 501, 84 Stat. 1062.

Dec. 24, 1969, Pub. L. 91-153, title V, § 501, 83 Stat. 425.

Aug. 9, 1968, Pub. L. 90-470, title V, § 501, 82 Stat. 690.

Nov. 8, 1967, Pub. L. 90-133, title V, § 501, 81 Stat. 433.

Nov. 8, 1966, Pub. L. 89-797, title V, § 501, 80 Stat. 1504.

Sept. 2, 1965, Pub. L. 89-164, title V, § 501, 79 Stat. 643.

Aug. 31, 1964, Pub. L. 88-527, title V, § 501, 78 Stat. 734.

Dec. 30, 1963, Pub. L. 88-245, title V, § 501, 77 Stat. 800.

Oct. 18, 1962, Pub. L. 87-843, title V, § 501, 76 Stat. 1104.

Sept. 21, 1961, Pub. L. 87-264, title IV, § 401, 75 Stat. 557.

Aug. 31, 1960, Pub. L. 86-678, title IV, § 401, 74 Stat. 569.

July 13, 1959, Pub. L. 86-84, title IV, § 401, 73 Stat. 194.

June 30, 1958, Pub. L. 85-474, title IV, § 401, 72 Stat. 257.

June 11, 1957, Pub. L. 85-49, title IV, § 401, 71 Stat. 67.

June 20, 1956, ch. 414, title IV, § 401, 70 Stat. 312.

July 7, 1955, ch. 279, title IV, § 401, 69 Stat. 279.

July 2, 1954, ch. 456, title IV, § 401, 68 Stat. 432.

§ 1461c. Omitted

CODIFICATION

Section, Pub. L. 90-470, title V, § 501, Aug. 9, 1968, 82 Stat. 690, which related to a one year extension to existing appointments and assignments to the Foreign Service Reserve for foreign information and educational activities which would otherwise have expired, was not repeated in subsequent appropriation acts.

§ 1462. Policies governing information activities

In authorizing international information activities under this chapter, it is the sense of the Congress (1) that the Secretary shall reduce

such Government information activities whenever corresponding private information dissemination is found to be adequate; (2) that nothing in this chapter shall be construed to give the Department a monopoly in the production or sponsorship on the air of short-wave broadcasting programs, or a monopoly in any other medium of information.

(Jan. 27, 1948, ch. 36, title V, § 502, 62 Stat. 10.)

TRANSFER OF FUNCTIONS

The functions vested in the Secretary of State by this section and section 1461 of this title, together with so much of the functions as is incidental to or is necessary for the performance of such functions, were transferred to the Director of the United States Information Agency by Reorg. Plan No. 8 of 1953, eff. Aug. 1, 1953, 18 F.R. 4542, set out as a note under section 1461 of this title.

§ 1463. Voice of America broadcasts; principles governing communications

The long-range interests of the United States are served by communicating directly with the peoples of the world by radio. To be effective, the Voice of America (the Broadcasting Service of the United States Information Agency) must win the attention and respect of listeners. These principles will therefore govern Voice of America (VOA) broadcasts:

(1) VOA will serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective, and comprehensive.

(2) VOA will represent America, not any single segment of American society, and will therefore present a balanced and comprehensive projection of significant American thought and institutions.

(3) VOA will present the policies of the United States clearly and effectively, and will also present responsible discussion and opinion on these policies.

(Jan. 27, 1948, ch. 36, title V, § 503, as added July 12, 1976, Pub. L. 94-350, title II, § 206, 90 Stat. 831.)

SUBCHAPTER VI—ADVISORY COMMISSIONS TO FORMULATE POLICIES

TERMINATION OF ADVISORY COMMISSIONS

Advisory Commissions in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a Commission established by the President or an officer of the Federal Government, such Commission is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a Commission established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1466. United States Advisory Commission on Information and United States Advisory Commission on Educational Exchange; creation and duties

There are created two advisory commissions, (1) United States Advisory Commission on Information (hereinafter in this subchapter referred to as the Commission on Information) and (2) United States Advisory Commission on Educational Exchange (hereinafter in this subchapter referred to as the Commission on Educational Exchange) to be constituted as provided in section 1467 of this title. The Commissions shall formulate and recommend to the Secretary policies and programs for the carrying out of this chapter: *Provided, however,* That the commissions created by this section shall have no authority over the Board of Foreign Scholarships or the program created by sections 1619 and 1641 of Appendix to title 50, or the United States National Commission for UNESCO.

(Jan. 27, 1948, ch 36, title VI, § 601, 62 Stat. 10)

PARTIAL REPEAL

Pub. L. 87-256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538, repealed this section insofar as it relates to the Advisory Commission on Educational Exchange. See section 2451 et seq. of this title.

REFERENCES IN TEXT

Sections 1619 and 1641 of Appendix to title 50, referred to in the text, were repealed by act June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, eff. July 1, 1949, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583, and by act Sept. 21, 1961, Pub. L. 87-256, § 111(a)(1), 75 Stat. 538.

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATIONS, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ACTIONS

Continuation in full force and effect, and applicability to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out as section 2451 et seq. of this title, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of this section, see section 111(b) of Pub. L. 87-256, set out as a note under section 2451 of this title.

§ 1467. Commissions

(a) Composition and membership qualifications

Each Commission shall consist of five members, not more than three of whom shall be from any one political party. Members shall be appointed by the President, by and with the advice and consent of the Senate. No person holding any compensated Federal or State office shall be eligible for appointment.

(b) Representation of the public interest on Commission on Information

The members of the Commission on Information shall represent the public interest, and shall be selected from a cross section of professional, business, and public service backgrounds.

(c) Representation of the public interest on Commission on Educational Exchange

The members of the Commission on Educational Exchange shall represent the public interest and shall be selected from a cross section of educational, cultural, scientific, technical, and public service backgrounds.

(d) Term of office

The term of each member appointed under subsection (a) of this section shall be three years, except that the terms of office of such members first taking office on each Commission shall expire, as designated by the Presi-

dent at the time of appointment, two at the end of one year, two at the end of two years, and one at the end of three years from January 27, 1948. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term. Upon the expiration of his term of office any member may continue to serve until his successor is appointed and has qualified.

(e) Designation of chairmen

The President shall designate a chairman for each Commission from among members of the Commission.

(f) Compensation; travel allowances

The members of the Commissions shall receive no compensation for their services as such members but shall be entitled to reimbursement for travel and subsistence in connection with attendance of meetings of the Commissions away from their places of residences, as provided in subsection (6) of section 1471 of this title.

(g) Rules and regulations

The Commissions are authorized to adopt such rules and regulations as they may deem necessary to carry out the authority conferred upon them by this subchapter.

(h) Secretarial and clerical assistance

The Department is authorized to provide the necessary secretarial and clerical assistance for the Commissions.

(Jan. 27, 1948, ch. 36, title VI, § 602, 62 Stat. 10.)

PARTIAL REPEAL

Pub. L. 87-256, § 111(a)(2), Sept. 21, 1961, 75 Stat 538, repealed this section insofar as it relates to the Advisory Commission on Educational Exchange. See section 2451 et seq. of this title.

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATIONS, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ARTICLES

Continuation in full force and effect, and applicability, to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out as section 2451 et seq. of this title, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of this section, see section 111(b) of Pub. L. 87-256, set out as a note under section 2451 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1466 of this title.

§ 1468. Recommendations and reports

The Commissions shall meet not less frequently than once each month during the first six months after their establishment, and thereafter at such intervals as the Commissions find advisable, and shall transmit to the Secretary a quarterly report, and to the Congress a semiannual report of all programs and activities carried on under the authority of this chapter, including appraisals, where feasible, as to the effectiveness of the several programs, and such recommendations as shall have been made by the Commissions to the Secretary for effectuating the purposes and objectives of this chapter and the action taken to carry out such recommendations.

(Jan. 27, 1948, ch. 36, title VI, § 603, 62 Stat. 11.)

PARTIAL REPEAL

Pub. L. 87-256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538, repealed this section insofar as it relates to the Advisory Commission on Educational Exchange. See section 2451 et seq. of this title.

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATIONS, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ACTIONS

Continuation in full force and effect, and applicability, to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out as section 2451 et seq. of this title, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of this section, see section 111(b) of Pub. L. 87-256 set out as a note under section 2451 of this title.

SUBCHAPTER VII—ADMINISTRATIVE PROCEDURE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2458 of this title.

§ 1471. Authority of Secretary of State

In carrying out the purposes of this chapter, the Secretary is authorized, in addition to and not in limitation of the authority otherwise vested in him—

(1) In carrying out subchapter II of this chapter, within the limitation of such appropriations as the Congress may provide, to make grants of money, services, or materials to State and local governmental institutions in the United States, to governmental institutions in other countries, and to individuals and public or private nonprofit organizations both in the United States and in other countries;

(2) to furnish, sell, or rent, by contract or otherwise, educational and information materials and equipment for dissemination to, or use by, peoples of foreign countries;

(3) Whenever necessary in carrying out subchapter V of this chapter, to purchase, rent, construct, improve, maintain, and operate facilities for radio transmission and reception, including the leasing of real property both within and without the continental limits of the United States for periods not to exceed ten years, or for longer periods if provided for by the appropriation Act;

(4) to provide for printing and binding outside the continental limits of the United States, without regard to section 501 of title 44;

(5) to employ, without regard to the civil-service and classification laws, when such employment is provided for by the appropriation Act, (i) persons on a temporary basis, and (ii) aliens within the United States, but such employment of aliens shall be limited to services related to the translation or narration of colloquial speech in foreign languages when suit-

ably qualified United States citizens are not available; and

(6) to create, with the approval of the Commission on Information and the Commission on Educational Exchange, such advisory committees as the Secretary may decide to be of assistance in formulating his policies for carrying out the purposes of this chapter. No committee member shall be allowed any salary or other compensation for services; but he may be paid his transportation and other expenses, as authorized by section 5703 of title 5.

(Jan. 27, 1948, ch. 36, title VIII, § 801, 62 Stat. 11; Aug. 14, 1961, Pub. L. 87-139, § 11, 75 Stat. 341.)

REFERENCES IN TEXT

The civil-service laws, referred to in par. 5 are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

The classification laws, referred to in par. 5, are classified generally to chapter 51 (§ 5101 et seq.) and to subchapter III (§ 5331 et seq.) of chapter 53 of Title 5, Government Organization and Employees.

CODIFICATION

In par. (4), "section 501 of title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, section 1 of which enacted Title 44, Public Printing and Documents.

In par. (6), "section 5703 of title 5" was substituted for "section 5 of the Administrative Expenses Act of 1946, as amended, (5 U.S.C. 73b-2)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1961—Par. (6). Pub. L. 87-139 substituted provisions authorizing payment of transportation and other expenses as authorized by section 73b-2 of title 5, for provisions which allowed payment of actual transportation expenses and a maximum of $10 per diem.

ABOLITION OF COMMISSION

The Commission on Educational Exchange, created by section 1466 of this title, was abolished pursuant to Pub. L. 87-256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1467 of this title.

§ 1472. Authority of State Department and other Government agencies

In carrying on activities which further the purposes of this chapter, subject to approval of such activities by the Secretary, the Department and the other Government agencies are authorized—

(1) to place orders and make purchases and rentals of materials and equipment;

(2) to make contracts, including contracts with governmental agencies, foreign or domestic, including subdivisions thereof, and intergovernmental organizations of which the United States is a member, and, with respect to contracts entered into in foreign countries, without regard to section 22 of title 41;

(3) under such regulations as the Secretary may prescribe, to pay the transportation expenses, and not to exceed $10 per diem in lieu of subsistence and other expenses, of citizens or subjects of other countries, without regard to the Standardized Government Travel Regulations and the Subsistence Expense Act of 1926, as amended; and

(4) to make grants for, and to pay expenses incident to, training and study.

(Jan. 27, 1948, ch. 36, title VIII, § 802, 62 Stat. 12.)

REFERENCES IN TEXT

The Subsistence Expenses Act of 1926, as amended, referred to in clause (3), was repealed and superseded by the Travel Expense Act of 1949, which is now covered by subchapter I of chapter 57 of Title 5, Government Organization and Employees. Section 9(a) of the 1949 Act provided in part: "All Acts . . . applicable to civilian officers or employees of the departments and establishments, providing for reimbursement of actual travel or transportation expense, and all other Acts, general or special, which are in conflict with the provisions of this Act . . . are hereby modified, but only to the extent of inconsistency or conflict with the provisions of this Act . . ."

§ 1473. Use of existing Government property and facilities

In carrying on activities under this chapter which require the utilization of Government property and facilities, maximum use shall be made of existing Government property and facilities.

(Jan. 27, 1948, ch. 36, title VIII, § 803, 62 Stat. 12.)

§ 1474. Additional authority of Secretary or Government agency authorized to administer provisions

In carrying out the provisions of this chapter, the Secretary, or any Government agency authorized to administer such provisions, may—

(1) employ, without regard to the civil service and classification laws, aliens abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages when suitable qualified United States citizens are not available (such aliens to be investigated for such employment in accordance with procedures established by the Secretary or such agency and the Attorney General), and such persons may be admitted to the United States, if otherwise qualified as non-immigrants under section 1101(a)(15) of title 8 for such time and under such conditions and procedures as may be established by the Secretary and the Attorney General;

(2) pay travel expenses of aliens employed abroad for service in the United States and their dependents to and from the United States;

(3) incur expenses for entertainment within the United States within such amounts as may be provided in appropriations Acts;

(4) obtain insurance on official motor vehicles operated by the Secretary or such agency in foreign countries, and pay the expenses incident thereto;

(5) notwithstanding the provisions of section 2680(k) of title 28, pay tort claims in the manner authorized in the first paragraph of section 2672 of such title, when such claims arise in foreign countries in connection with operations conducted abroad under this chapter;

(6) employ aliens by contract for services abroad;

(7) provide ice and drinking water abroad;

(8) pay excise taxes on negotiable instruments abroad;

(9) pay the actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in activities conducted under this chapter;

(10) rent or lease, for periods not exceeding five years, offices, buildings, grounds, and living quarters abroad for employees carrying out this chapter, and make payments therefor in advance;

(11) maintain, improve, and repair properties used for information activities in foreign countries;

(12) furnish fuel and utilities for Government-owned or leased property abroad;

(13) pay travel expenses of employees attending official international conferences, without regard to sections 5701-5708 of title 5, and regulations issued thereunder, but at rates not in excess of comparable allowances approved for such conferences by the Secretary; and

(14) purchase uniforms, when funds are appropriated therefor.

(Jan. 27, 1948, ch. 36, title VIII, § 804, as added July 13, 1972, Pub. L. 92-352, title II, § 202, 86 Stat. 493, and amended July 12, 1976, Pub. L. 94-350, title II, § 203, 90 Stat. 830.)

REFERENCES IN TEXT

The civil service laws, referred to in par. (1), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

The classification laws, referred to in par. (1), are classified generally to chapter 51 (§ 5101 et seq.) and to subchapter III (§ 5331 et seq.) of chapter 53 of title 5.

AMENDMENTS

1976—Par. (14). Pub. L. 94-350 added par. (14).

§ 1475. Travel expenses

Appropriated funds made available for any fiscal year to the Secretary or any Government agency, to carry out the provisions of this chapter, for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, shall be available for all such expenses in connection with travel or transportation which begin in that fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed until the following fiscal year.

(Jan. 27, 1948, ch. 36, title VIII, § 805, as added July 13, 1972, Pub. L. 92-352, title II, § 202, 86 Stat. 494.)

§ 1475a. Replacement of passenger motor vehicles

The exchange allowances or proceeds derived from the exchange or sale of passenger motor vehicles used abroad for purposes of this chapter or the Mutual Educational and Cultural Exchange Act of 1961 [22 U.S.C. 2451 et seq.] are authorized to be made available without fiscal year limitation for replacement of an equal number of such vehicles in accordance with section 481(c) of title 40.

(Jan. 27, 1948, ch. 36, title VIII, § 806, as added July 12, 1976, Pub. L. 94-350, title II, § 204, 90 Stat. 830.)

REFERENCES IN TEXT

The Mutual Educational and Cultural Exchange Act of 1961, referred to in text, is Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, which is principally classified to chapter 33 (§ 2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables volume.

SUBCHAPTER VIII—APPROPRIATIONS AND OTHER FUNDS

§ 1476. Prior authorizations by Congress

(a) Notwithstanding any provision of law enacted before November 29, 1973, no money appropriated to carry out this chapter shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation to carry out this chapter authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) of this section shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after November 29, 1973, which specifically repeals, modifies, or supersedes the provisions of this section.

(d) The provisions of this section shall not apply with respect to appropriations made available under the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes", approved July 1, 1973, and any provision of law specifically amending such joint resolution enacted through October 16, 1973.

(e) The provisions of this section shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the United States Information Agency as authorized by law.

(Jan. 27, 1948, ch. 36, title VII, § 701, 62 Stat. 11; Feb. 7, 1972, Pub. L. 92-226, pt. IV, § 407(d), 86 Stat. 35; July 13, 1972, Pub. L. 92-352, title II, § 203, 86 Stat. 494; Nov. 29, 1973, Pub. L. 93-168,

§ 3, 87 Stat. 688; Oct. 26, 1974, Pub. L. 93-475, § 6, 88 Stat. 1440.)

REFERENCES IN TEXT

The joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes", approved July 1, 1973, referred to in subsec. (d), is Pub. L. 93-52, July 1, 1973, 87 Stat. 130. Only section 111 of Pub. L. 93-52 was classified to the Code, and it is set out as section 665b of Title 31, Money and Finance.

AMENDMENTS

1974—Subsec. (e). Pub. L. 93-475 added subsec. (e).

1973—Subsec. (a). Pub. L. 93-168 designated existing provisions as subsec. (a) and in subsec. (a) as so designated substituted provisions that no appropriated moneys appropriated to carry out this chapter be available for obligation or expenditure if the appropriation thereof has not been previously authorized by law or if the appropriated moneys are in excess of the amount previously prescribed by law for provisions that no appropriation be made to the Secretary of State or to any Government agency authorized to administer the provisions of this chapter under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation enacted by the Congress after February 7, 1972, but with such provisions not to apply to or affect permanent appropriations, trust funds, and other similar accounts administered by the Secretary or such agency authorized by law.

Subsecs. (b) to (d). Pub. L. 93-168 added subsecs. (b) to (d).

1972—Pub. L. 92-352 added provisions that this section shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Secretary or such agency as authorized by law.

Pub. L. 92-226 substituted provision for prior authorizations by Congress for former general authorization.

SHORT TITLE OF 1973 AMENDMENT

Section 1 of Pub. L. 93-168 provided: "That this Act [amending this section] may be cited as the 'United States Information Agency Appropriations Authorization Act of 1973'."

§ 1477. Transfer of funds

The Secretary shall authorize the transfer to other Government agencies for expenditure in the United States and in other countries, in order to carry out the purposes of this chapter, any part of any appropriations available to the Department for carrying out the purposes of this chapter, for direct expenditure or as a working fund, and any such expenditures may be made under the specific authority contained in this chapter or under the authority governing the activities of the Government agency to which a part of any such appropriation is transferred, provided the activities come within the scope of this chapter.

(Jan. 27, 1948, ch. 36, title VII, § 702, 62 Stat. 11.)

§ 1477a. Grants for fiscal year 1973; prohibition upon the use by Radio Free Europe and Radio Liberty in fiscal year 1973 of funds appropriated after August 20, 1972

There are authorized to be appropriated to the Secretary of State $38,520,000 for fiscal year 1973 to provide grants, under such terms and conditions as the Secretary considers appropriate, to Radio Free Europe and Radio Liberty. There are further authorized to be appropriated in fiscal year 1973 not to exceed $1,150,000 for nondiscretionary costs. Except for funds appropriated pursuant to this section, no funds appropriated after August 20, 1972, may be made available to or for the use of Radio Free Europe or Radio Liberty in fiscal year 1973.

(Jan. 27, 1948, ch. 36, title VII, § 703, as added Mar. 30, 1972, Pub. L. 92-264, 86 Stat. 114, and amended Aug. 20, 1972, Pub. L. 92-394, 86 Stat. 577; July 6, 1973, Pub. L. 93-59, 87 Stat. 142.)

AMENDMENTS

1973—Pub. L. 93-59 authorized an additional appropriation of $1,150,000 for nondiscretionary costs for fiscal year 1973.

1972—Pub. L. 92-394 substituted provisions authorizing appropriation to the Secretary of State of $38,520,000 for fiscal year 1973 to provide grants to Radio Free Europe and Radio Liberty and that funds appropriated after August 20, 1972 may not be made available for use in fiscal year 1973, for provisions authorizing appropriation to the Department of State of $36,000,000 for fiscal year 1972 to provide grants to Radio Free Europe and Radio Liberty and that funds appropriated after March 30, 1972 may not be made available for use of Radio Free Europe and Radio Liberty.

§ 1478. Reimbursement of program expenses from sources other than appropriations; disposition of receipts

The Secretary shall, when he finds it in the public interest, request and accept reimbursement from any cooperating governmental or private source in a foreign country, or from State or local governmental institutions or private sources in the United States, for all or part of the expenses of any portion of the program undertaken hereunder. The amounts so received shall be covered into the Treasury as miscellaneous receipts.

(Jan. 27, 1948, ch. 36, title IX, § 901, 62 Stat. 13.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 965 of this title.

§ 1479. Advancement of funds, property, or services by foreign governments; disposition; availability; return of unexpended balances or property

If any other government shall express the desire to provide funds, property, or services to be used by this Government, in whole or in part, for the expenses of any specific part of the program undertaken pursuant to this chapter, the Secretary is authorized, when he finds it in the public interest, to accept such funds, property, or services. Funds so received may be established as a special deposit account in the Treasury of the United States, to be available for the specified purpose, and to be used for reimbursement of appropriations or direct expenditure, subject to the provisions of this chapter. Any unexpended balance of the special deposit account and other property received under this section and no longer required for the purposes for which provided shall be returned to the government providing the funds or property.

(Jan. 27, 1948, ch. 36, title IX, § 902, 62 Stat. 13.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 965, 1451 of this title.

§ 1480. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 657, 658

Section, act June 20, 1956, ch. 414, title I, § 107, 70 Stat. 304, related to maximum rates of per diem in lieu of subsistence payable to foreign participants. See now section 2679 of this title.

Acts July 10, 1952, ch. 651, title I, § 109, 66 Stat. 555; Aug. 5, 1953, ch. 328, title I, § 108, 67 Stat. 371; July 2, 1954, ch. 456, title I, § 107, 68 Stat. 418; July 7, 1955, ch. 279, title I, § 107, 69 Stat. 270, which contained provision similar to section 1480 of this title, were repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 657, 658.

CHAPTER 19—FOREIGN ASSISTANCE PROGRAM

SUBCHAPTER I—ASSISTANCE TO EUROPEAN COUNTRIES

§§ 1501, 1502. Repealed. Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144

Section 1501, acts Apr. 3, 1948, ch. 169, title I, § 102, 62 Stat. 137; Apr. 19, 1949, ch. 77, § 1, 63 Stat. 50; June 5, 1950, ch. 220, title I, § 102, 64 Stat. 198, related to congressional declarations and findings. See sections 2151 and 2301 of this title.

Section 1502, act Apr. 3, 1948, ch. 169, title I, § 103, 62 Stat. 138, related to participating countries.

§§ 1503 to 1505. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(4), (10), 68 Stat. 861

Section 1503, acts Apr. 3, 1948, ch. 169, title I, § 104, 62 Stat. 138; Apr. 19, 1949, ch. 77, § 2, 63 Stat. 50; Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144, related to Economic Cooperation Administration and provided for the creation of a corporation, its powers, duties, and liabilities, termination date, capital stock, employment of personnel and promulgation of rules and regulations.

Section 1504, acts Apr. 3, 1948, ch. 169, title I, § 105, 62 Stat. 140; Apr. 19, 1949, ch. 77, § 3, 63 Stat. 50; Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144, related to general functions of Administrator.

Section 1505, act Apr. 3, 1948, ch. 169, title I, § 107, 62 Stat. 141, related to creation of Public Advisory Board; composition; qualifications; appointment; compensation; expenses; meetings; and additional advisory committees.

§ 1506. Repealed. Oct. 10, 1951, ch. 479, title V, § 503(b)(1) as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144

Section, acts Apr. 3, 1948, ch. 169, title I, § 108, 62 Stat. 141; Apr. 19, 1949, ch. 77, § 4, 63 Stat. 50, related to the United States Special Representative and Deputy Representative abroad; appointment and compensation; and rank. See section 2391 of this title.

§§ 1507 to 1513. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(4), (6), (9) to (11), 68 Stat. 861

Section 1507, acts Apr. 3, 1948, ch. 169, title I, § 109, 62 Stat. 142; Apr. 19, 1949, ch. 77, § 5, 63 Stat. 51; Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144, related to special missions for each participating country. See sections 2382, 2391, and 2396 of this title.

Section 1508, acts Apr. 3, 1948, ch. 169, title I, § 110, 62 Stat. 142; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43; Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144, related to personnel performing outside United States, their pay and allowances, assignment to Foreign Service Reserve or Staff, employment of aliens and loyalty and security investigation of employees. See section 2385 of this title.

Section 1509, acts Apr. 3, 1948, ch. 169, title I, § 111, 62 Stat. 143; Apr. 19, 1949, ch. 77, § 6, 63 Stat. 51; June 5, 1950, ch. 220, title I, § 103, 64 Stat. 198; Oct. 10, 1951, ch. 479, title V, § 522, 65 Stat. 384; June 20, 1952, ch. 449, § 7(a), 66 Stat. 143; July 16, 1953, ch. 195, ch. VII, § 708(a), 67 Stat. 161, related to assistance to participating countries, nature and methods, terms and conditions; utilization of private channels of trade, terms and conditions; assistance by grants, payments-in-cash or credit, maximum issuance of notes; and funds to promote liberalization of trade among participants. See sections 2351, 2353, 2395 and 2403 of this title.

Section 1510, acts Apr. 3, 1948, ch. 169, title I, § 112, 62 Stat. 146; Apr. 19, 1949, ch. 77, § 7, 63 Stat. 52; June 5, 1950, ch. 220, title I, § 104, 64 Stat. 199; Oct. 10, 1951, ch. 479, title V, § 538(c) as added June 20, 1952, ch. 449, § 7(m), 66 Stat. 148, related to protection of domestic economy, minimization of procurement in United States, surplus agricultural commodity, definition, procurement, acquisition from Commodity Credit Corporation, payment and payments by Secretary of Agriculture, exclusion of nonparticipating countries, utilization of private channels of trade, assistance by Administrator to aid small business to participate in furnishing commodities and services to program, appointment and duties of special assistant, report to Congress, marine insurance, limitation on use of advertising funds and on purchase price of commodities, price-policy for wheat and wheat-flour, and discriminatory trade practices. See sections 2352, 2354, and 2403 of this title.

Section 1511 act Apr. 3, 1948, ch. 169, title I, § 113, 62 Stat. 148, related to reimbursement to Government agencies for commodities, services, or facilities; and transfer of commodities to other Government agencies to prevent spoilage or waste. See sections 2355 and 2392 of this title.

Section 1512, acts Apr. 3, 1948, ch. 169, title I, § 114, 62 Stat. 149; Apr. 19, 1949, ch. 77, § 8, 63 Stat. 53; June 5, 1950, ch. 220, title I, § 105, 64 Stat. 200; act Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144, related to appropriations, interim advances and repayment, availability of certain unobligated funds, appropriation of funds until June 30, 1952, disbursement of funds, merger of certain deposits of participating countries, creation of Foreign Economic Cooperation Trust fund, advances by Reconstruction Finance Corporation, transfer of German assistance funds and payment of expenses of rehabilitation, and deposit of German currency into GARIOA special account and availability of deposited funds. See section 2151 et seq. of this title.

Section 1513, acts Apr. 3, 1948, ch. 169, title I, § 115, 62 Stat. 150; Apr. 19, 1949, ch. 77, § 9, 63 Stat. 53; June 5, 1950, ch. 220, title I, § 106, 64 Stat. 201; Oct. 10, 1951, ch. 479, title V, §§ 523, 527, 65 Stat. 385; Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144; June 20, 1952, ch. 449, § 9, 66 Stat. 150; July 16, 1953, ch. 195, ch. VII, §§ 708(b), (c), 710(b), 67 Stat. 161, related to bilateral and multilateral undertakings; conclusion of basic agreements by Secretary of State and advisory function of Administrator; conditions precedent for assistance; interim assistance; encouragement of joint organization between participating countries and followup system; utilization of manpower; capital equipment; repatriation of prisoners of war; use of special local currency by United States; procurement of strategic, critical or deficient materials for United States; and publicity regarding American assistance. See section 2151 et seq. of this title.

§ 1514. Repealed. Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144

Section, act Apr. 3, 1948, ch. 169, title I, § 116, 62 Stat. 153, related to assistance by other Western Hemisphere countries.

§§ 1515 to 1519. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(4), (10), 68 Stat. 861

Section 1515, acts Apr. 3, 1948, ch. 169, title I, § 117, 62 Stat. 153; Apr. 19, 1949, ch. 77, § 10, 63 Stat. 54; Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144; Oct. 26, 1951, ch. 575, title III, § 305, 65 Stat. 647, prescribed additional duties of Administrator to promote production in participating countries and foreign travel by Americans and provided for payment of ocean freight charges on voluntary supplies, availability of ships for emigration from Italy, retention of title and return of ships. See section 2121 et seq. of this title.

Section 1516, acts Apr. 3, 1948, ch. 169, title I, § 118, 62 Stat. 154; Apr. 19, 1949, ch. 77, § 11, 63 Stat. 55, related to termination of assistance. See section 2367 and 2370 of this title.

Section 1517, act Apr. 3, 1948, ch. 169, title I, § 119, 62 Stat. 154, related to exemption of functions, respecting assistance to European countries, from contract and accounting laws, and is covered by section 2393 of this title.

Section 1518, act Apr. 3, 1948, ch. 169, title I, § 120, 62 Stat. 155, related to exemption of personnel from certain employment laws. See section 2386 of this title.

Section 1519, acts Apr. 3, 1948, ch. 169, title I, § 121, 62 Stat. 155; Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144, related to utilization of services and facilities of United Nations and prohibitions, transmittal of copies of Congressional reports on operations to the Secretary-General of the United Nations and registration of agreements.

§§ 1520 to 1522. Repealed. Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144

Section 1520, act Apr. 3, 1948, ch. 169, title I, § 122, 62 Stat. 155, related to termination of program. See section 2367 of this title.

Section 1521, act Apr. 3, 1941, ch. 169, title I, § 123, 62 Stat. 156, related to reports to Congress. See section 2394 of this title.

Section 1522, act Apr. 3, 1948, ch. 169, title I, § 124, 62 Stat. 156, provided for a Joint Congressional Committee, its composition, vacancies, chairman, functions, committee hearings, attendance of witnesses, cost of stenographic services, penalties, employment of personnel, appropriations and disbursements.

§ 1523. Repealed. Oct. 26, 1951, ch. 575, title III, § 305, 65 Stat. 647

Section, act June 2, 1951, ch. 121, ch. XIII, § 1302(b), 65 Stat. 62, related to assistance denied countries trading with Russia or satellite countries, and is covered by section 1611 et seq. of this title. Section 1302(b) also repealed section 1304 of act Sept. 27, 1950, ch. 1052, ch. XIII, 64 Stat. 1066, which contained similar provisions.

SUBCHAPTER II—ASSISTANCE TO INTERNATIONAL CHILDREN'S EMERGENCY FUND

§§ 1531 to 1536. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(4), (6), 68 Stat. 861

Section 1531, act Apr. 3, 1948, ch. 169, title II, § 202, 62 Stat. 157, related to purpose.

Section 1532, acts Apr. 3, 1948, ch. 169, title II, § 203, 62 Stat. 157; July 14, 1949, ch. 336, § 1, 63 Stat. 412, related to contributions.

Section 1533, act Apr. 3, 1948, ch. 169, title II, § 204, 62 Stat. 157, related to limitations on contributions.

Section 1534, acts Apr. 3, 1948, ch. 169, title II, § 205, 62 Stat. 157; July 14, 1949, ch. 336, § 1, 63 Stat. 412, related to appropriations and availability thereof as relief aid to war devastated countries.

Section 1535, acts Apr. 3, 1948, ch. 169, title II, § 206, 62 Stat. 157; July 1, 1949, ch. 336, § 1, 63 Stat. 412, related to amount of appropriations in amount of $60,000,000.

Section 1536, act June 5, 1950, ch. 220, title V, § 501, 64 Stat. 209, related to additional appropriations in amount of $15,000,000 and made certain funds appropriated by Foreign Aid Appropriation Act, 1949, available through June 30, 1951.

REPEAL OF ADDITIONAL APPROPRIATIONS

Acts June 20, 1952, ch. 449, 66 Stat. 151; Oct. 10, 1951, ch. 479, title V, § 545, as added by act July 16, 1953, ch. 195, ch. VI, § 603, 67 Stat. 155, were repealed by act Aug. 26, 1954, § 542(a)(9) to (11).

SUBCHAPTER III—ASSISTANCE TO CHINA

§§ 1541 to 1547. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(4), (6), (9) to (11), 68 Stat. 861

Sections 1541 to 1546, act Apr. 3, 1948, ch. 169, title IV, §§ 402 to 407, 62 Stat. 158, 159, related to Congressional findings and declaration of purpose; administration of assistance; appropriations; agreements; monetary advances by and reimbursement to R.F.C.; and Joint Commission on Rural Reconstruction in China, establishment, composition, duties, limitations, apportionment of funds.

Section 1547, acts June 5, 1950, ch. 220, title II, § 202, 64 Stat. 202; Oct. 10, 1951, ch. 479, title III, § 302(b), 65 Stat. 376; June 20, 1952, ch. 449, § 5(c), 66 Stat. 143; July 16, 1953, ch. 195, ch. V, § 502, 67 Stat. 154, related to nature of assistance.

ADDITIONAL APPROPRIATIONS

Section 12 of act Apr. 19, 1949, ch. 77, 63 Stat. 55, as amended by act Feb. 14, 1950, ch. 16, § 2, 64 Stat. 5, made available additional appropriations for assistance in China.

SUBCHAPTER IV—ASSISTANCE TO KOREA

§§ 1551, 1552. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(6), (7), 68 Stat. 861

Section 1551, acts Feb. 14, 1950, ch. 16, § 3, 64 Stat. 5; June 5, 1950, ch. 220, title I, § 107(a), (b), 64 Stat. 202, related to conditions governing furnishing and termination of aid; shipping made available; appropriations; advances; and repayment.

Section 1552, acts Feb. 14, 1950, ch. 16, § 4, 64 Stat. 6; June 5, 1950, ch. 220, title I, § 107(c), 64 Stat. 202, related to termination of appropriation authorization period.

SUBCHAPTER V—AID TO PALESTINE REFUGEES

§§ 1556 to 1556b. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(6), 68 Stat. 861

Sections, act June 5, 1950, ch. 220, title III, §§ 302 to 304, 64 Stat. 203, related to contributions to United Nations for assistance; authorization of appropriations and advances by R.F.C.; and nature of assistance. See section 2221 of this title.

SUBCHAPTER VI—INTERNATIONAL DEVELOPMENT

§§ 1557 to 1557k. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(6), (9) to (11), 68 Stat. 861

Section 1557, act June 5, 1950, ch. 220, title IV, § 402, 64 Stat. 204, related to Congressional declaration of findings. See section 2151 of this title.

Section 1557a, act June 5, 1950, ch. 220, title IV, § 403, 64 Stat. 204, related to Congressional declaration of policy. See section 2151 of this title.

Section 1557b, acts June 5, 1950, ch. 220, title IV, § 404, 64 Stat. 205; Oct. 10, 1951, ch. 479, title V, § 528(a), 65 Stat. 386; June 20, 1952, ch. 449, § 10(a), 66 Stat. 150; July 16, 1953, ch. 195, ch. VII, § 709, 67 Stat. 161, related to United States participation in multilateral technical cooperation programs; contributions; and furnishing of services and facilities. See section 2357 of this title.

Section 1557c, act June 5, 1950, ch. 220, title IV, § 405, 64 Stat. 205, related to bilateral technical cooperation programs. See section 2171 of this title.

Section 1557d, act June 5, 1950, ch. 220, title IV, § 406, 64 Stat. 206, related to registration of agreements with Secretariat of the United Nations.

Section 1557e, acts June 5, 1950, ch. 220, title IV, § 407, 64 Stat. 206; Oct. 10, 1951, ch. 479, title V, § 528(b), 65 Stat. 386, related to programs.

Section 1557f, act June 5, 1950, ch. 220, title IV, § 408, 64 Stat. 206, related to rules and regulations. See section 2381 of this title.

Section 1557g, act June 5, 1950, ch. 220, title IV, § 409, 64 Stat. 206, related to advisory board; creation; duties; composition; compensation; and appointment of special committees.

Section 1557h, act June 5, 1950, ch. 220, title IV, § 410, 64 Stat. 207, related to joint commission for economic development; appointment and compensation; duties; preparation of reports and studies; recommendations, and costs.

Section 1557i, act June 5, 1950, ch. 220, title IV, § 411, 64 Stat. 207, related to termination of assistance. See section 2367 of this title.

Section 1557j, act June 5, 1950, ch. 220, title IV, § 412, 64 Stat. 207, related to delegation of authority by President. See section 2381 of this title.

Section 1557k, acts June 5, 1950, ch. 220, title IV, § 413, 64 Stat. 207; June 20, 1952, ch. 449, § 10(b), 66 Stat. 150, related to employment of personnel. See sections 2385 to 2388 of this title.

REPEAL OF APPROPRIATIONS

Act Oct. 10, 1951, ch. 479, title V, § 544, as added by act July 16, 1953, ch. 195, ch. VI, § 602, 67 Stat. 155, which authorized appropriations for fiscal year 1954, was repealed by act Aug. 26, 1954, § 542(a)(9), (11).

§ 1557*l*. Repealed. Oct. 10, 1951, ch. 479, title V, § 528(c), 65 Stat. 386

Section, act June 5, 1950, ch. 220, title IV, § 414, 64 Stat. 208, related to personnel investigations by the Federal Bureau of Investigation.

§§ 1557m to 1557*o*. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(6), 68 Stat. 861

Section 1557m, act June 5, 1950, ch. 220, title IV, § 415, 64 Stat. 208, required the President to submit an annual report to Congress. See section 2394 of this title.

Section 1557n, act June 5, 1950, ch. 220, title IV, § 416, 64 Stat. 208, related to authorization for appropriations; original appropriation; and express or implied commitments. See section 2404 of this title.

Section 1557*o*, act June 5, 1950, ch. 220, title IV, § 418, 64 Stat. 209, defined the terms "technical cooperation programs," "United States Government agency" and "international organization." See section 2403 of this title.

SUBCHAPTER VII—ASSISTANCE TO YUGOSLAVIA

§§ 1558 to 1558h. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(8), 68 Stat. 861

Sections 1558 to 1558c, act Dec. 29, 1950, ch. 1182, §§ 2 to 5, 64 Stat. 1122, 1123, related to amount of funds available; agreement; terms; utilization of available funds; and nonendorsement of internal measures of Yugoslavian Government.

Section 1558d, act Dec. 29, 1950, ch. 1182, § 6, 64 Stat. 1123, required the Secretary of State to make quarterly reports to Congress. See section 2394 of this title.

Sections 1558e to 1558g, act Dec. 29, 1950, ch. 1182, §§ 7 to 9, 64 Stat. 1123, 1124, related to transfer of available funds to Federal departments or agencies; local currency made available to United States; and shipping regulations. See sections 2353 and 2360 of this title.

Section 1558h, act Dec. 29, 1950, ch. 1182, § 10, 64 Stat. 1124, related to termination of assistance. See section 2367 of this title.

CHAPTER 20—MUTUAL DEFENSE ASSISTANCE PROGRAM

SUBCHAPTER I—GENERAL PROVISIONS

§§ 1571 to 1584. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(5), (9) to (11), 68 Stat. 861

Section 1571, act Oct. 6, 1949, ch. 626, § 1, 63 Stat. 714, related to Congressional declaration of findings and policy.

Section 1572, act Oct. 6, 1949, ch. 626, title IV, § 401, 63 Stat. 716, related to furnishing of military assistance without payment and limitation and is covered by section 2355 of this title.

Section 1573, act Oct. 6, 1949, ch. 626, title IV, § 402, 63 Stat. 717, related to agreements with other nations prior to furnishing aid and provisions thereof.

Section 1574, acts Oct. 6, 1949, ch. 626, title IV, § 403, 63 Stat. 717; July 26, 1950, ch. 491, §§ 9, 10, 64 Stat. 375; Oct. 10, 1951, ch. 479, title V, § 526, 65 Stat. 385; June 20, 1952, ch. 449, § 8(a), 66 Stat. 148; July 16, 1953, ch. 195, ch. VII, § 707(a), 67 Stat. 160, related to funds.

Section 1575, acts Oct. 6, 1949, ch. 626, title IV, § 404, 63 Stat. 718; July 26, 1950, ch. 491, § 11, 64 Stat. 376, related to delegation of President's powers and is covered by section 2381 of this title.

Section 1576, acts Oct. 6, 1949, ch. 626, title IV, § 405, 63 Stat. 718; July 26, 1950, ch. 491, § 13, 64 Stat. 377, related to termination of assistance. See section 2367 of this title.

Section 1577, act Oct. 6, 1949, ch. 626, title IV, § 406, 63 Stat. 718, related to personnel.

Section 1578, act Oct. 6, 1949, ch. 626, title IV, § 407, 63 Stat. 719, related to unaffected laws and performance of functions by President.

Section 1579, acts Oct. 6, 1949, ch. 626, title IV, § 408(a) to (d), 63 Stat. 719; July 26, 1950, ch. 491, § 12(b), 64 Stat. 376, related to operational funds.

Section 1580, acts Oct. 6, 1949, ch. 626, title IV, § 408(e), (f), 63 Stat. 720; July 26, 1950, ch. 491, § 12(c), 64 Stat. 376; Oct. 10, 1951, ch. 479, title V, § 525, 65 Stat. 385; June 20, 1952, ch. 449, § 8(b), 66 Stat. 149; July 16, 1953, ch. 195, ch. VII, § 707(b), (c), 67 Stat. 160, related to transfer of equipment, materials, or services to designated nations; reimbursement of "fair value" of goods to United States; limitation on outstanding contracts; and transfers disallowed.

Section 1581, act Oct. 6, 1949, ch. 626, title IV, § 409, 63 Stat. 720, related to transportation of equipment, etc., on United States flag vessels; rates. See section 2353 of this title.

Section 1582, act Oct. 6, 1949, ch. 626, title IV, § 410, 63 Stat. 720, required the President to submit reports to Congress and is covered by section 2353 of this title.

Section 1583, acts Oct. 6, 1949, ch. 626, title IV, § 411, 63 Stat. 720; July 16, 1953, ch. 195, title VII, § 707(d), 67 Stat. 161, defined the terms "equipment" and "materials", "mobilization reserve", "excess", "services", "agency", "Armed Forces of the United States", and "nation", and is covered by section 2403 of this title.

Section 1584, act Oct. 6, 1949, ch. 626, title IV, § 412, 63 Stat. 721, prescribed penalties for accepting commissions, etc., for procurement services by United States officers and employees.

§ 1585. Omitted

CODIFICATION

Section was enacted as a part of the Supplemental Appropriation Act, 1951, act Sept. 27, 1950, ch. 1052, ch. X, § 1, 64 Stat. 1063, and has been omitted from the Code as it was not repeated in subsequent appropriation acts.

SUBCHAPTER II—NORTH ATLANTIC TREATY NATIONS

§§ 1591 to 1594. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(5), 68 Stat. 861

Section 1591, acts Oct. 6, 1949, ch. 626, title I, § 101, 63 Stat. 715; July 26, 1950, ch. 491, § 1, 64 Stat. 373, related to form of assistance and agreements concerning use.

Section 1592, acts Oct. 6, 1949, ch. 626, title I, § 102, 63 Stat. 715; July 26, 1950, ch. 491, § 2, 64 Stat. 374, related to appropriations.

Section 1593, act Oct. 6, 1949, ch. 626, title I, § 103, 63 Stat. 715, related to additional contract authorizations.

Section 1594, acts Oct. 6, 1949, ch. 626, title I, § 104, 63 Stat. 715; July 26, 1950, ch. 491, § 3, 64 Stat. 374, related to limitation on use of funds.

Sections are now covered by section 2151 et seq. of this title.

SUBCHAPTER III—OTHER NATIONS

§§ 1601 to 1604. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(5), 68 Stat. 861

Section 1601, acts Oct. 6, 1949, ch. 626, title II, § 201, 63 Stat. 716; July 26, 1950, ch. 491, § 5, 64 Stat. 375, related to appropriations for Greece, Turkey, and Iran.

Section 1602, act Oct. 6, 1949, ch. 626, title III, § 301, 63 Stat. 716; July 26, 1950, ch. 491, § 6, 64 Stat. 375, related to military assistance to Republics of Korea and Philippines.

Section 1603, acts Oct. 6, 1949, ch. 626, title III, § 302, 63 Stat. 716; July 26, 1950, ch. 491, § 7, 64 Stat. 375, related to appropriations for military assistance to Republics of Korea and Philippines.

Section 1604, acts Oct. 6, 1949, ch. 626, title III, § 303, 63 Stat. 716; July 26, 1950, ch. 491, § 8, 64 Stat. 375, related to appropriations for general area of China.

Sections are now covered by section 2151 et seq. of this title.

CHAPTER 20A—MUTUAL DEFENSE ASSISTANCE CONTROL PROGRAM

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Sec.

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SUBCHAPTER II—OTHER MATERIALS

1612. Regulation of exports other than war materials.
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1613. Cooperation in program by non-recipient countries.
1613a. Duties of Administrator.
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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2174, 2364 of this title.

SUBCHAPTER I—WAR MATERIALS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1612, 1612a, 1613, 1613a of this title.

§ 1611. Congressional declaration of policy; embargo on war materials; denial of assistance to nations failing to embargo shipments; administration of chapter

The Congress of the United States, recognizing that in a world threatened by aggression the United States can best preserve and maintain peace by developing maximum national strength and by utilizing all of its resources in cooperation with other free nations, declares it to be the policy of the United States to apply an embargo on the shipment of arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination, in order to (1) increase the national strength of the United States and of the cooperating nations; (2) impede the ability of nations threatening the security of the United States to conduct military operations; and (3) to assist the people of the nations under the domination of foreign aggressors to reestablish their freedom.

It is further declared to be the policy of the United States that no military, economic, or financial assistance shall be supplied to any nation unless it applies an embargo on such shipments to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination.

This chapter shall be administered in such a way as to bring about the fullest support for any resolution of the General Assembly of the United Nations, supported by the United States, to prevent the shipment of certain commodities to areas under the control of governments engaged in hostilities in defiance of the United Nations.

(Oct. 26, 1951, ch. 575, title I, § 101, 65 Stat. 645.)

SHORT TITLE

Section 1 of act Oct. 26, 1951 provided that: "This Act [enacting this chapter] may be cited as the "Mutual Defense Assistance Control Act of 1951'."

DELEGATION OF FUNCTIONS

Functions of the President under this chapter delegated to the Secretary of State, see section 101 of Ex. Ord. No. 10973, Nov. 6, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

CROSS REFERENCES

Peace Corps Act, provisions of this chapter as applicable, see section 2517 of this title.

§ 1611a. Responsibility for administration

Responsibility for giving effect to the purposes of this chapter shall be vested in the person occupying the senior position authorized by subsection (e) of section 406 of the Mutual Defense Assistance Act of 1949, as amended [22 U.S.C. 1577], or in any person who may hereafter be charged with principal responsibility for the administration of the provisions of the Mutual Defense Assistance Act of 1949 [22 U.S.C. 1571 et. seq.]. Such person is hereinafter referred to as the "Administrator."

(Oct. 26, 1951, ch. 575, title I, § 102, 65 Stat. 645.)

REFERENCES IN TEXT

The Mutual Defense Assistance Act of 1949, referred to in text, is act Oct. 6, 1949, ch. 626, 63 Stat. 714, as amended, which was classified generally to chapter 20 (§ 1571 et seq.) of this title prior to its repeal by act Aug. 26, 1954, ch. 937, title V, § 542(a)(5), (9), to (11), 68 Stat. 861. For complete classification of this Act to the Code, see Tables volume.

Section 406 of the Mutual Defense Assistance Act of 1949, as amended, referred to in text, was classified to section 1577 of this title prior to its repeal by act Aug. 26, 1954, ch. 937, title V, § 542(a)(5), (9) to (11), 68 Stat. 861.

See, now, section 2151 et seq. of this title.

TRANSFER OF FUNCTIONS

Functions conferred by law upon, or delegated or otherwise assigned by the President to, or otherwise placed under the jurisdiction of the Foreign Operations Administration, including functions under this chapter, were transferred to the Secretary of State and Department of State, to be carried out by the Secretary of State, or, if he shall so direct, the Director of the International Cooperation Administration (the Deputy Director of the Foreign Operations Administration so redesignated) and the office of Director of Foreign Operations Administration was abolished by Ex. Ord. No. 10610, May 9, 1955, 20 F.R. 3179, eff. July 1, 1955, as amended Ex. Ord. No. 10663, Mar. 24, 1956, 21 F.R. 1845, eff. Apr. 1, 1956. For subsequent transfer of functions see section 2381 of this title and Ex. Ord. No. 10973, Nov. 6, 1961, 26 F.R. 10469, set out as a note under said section.

The title of Administrator provided for in this chapter was abolished and the functions vested in the Administrator were transferred to the Director of the Foreign Operations Administration and the office of Director for Mutual Security was abolished and the functions of the Director transferred to the Director of the Foreign Operations Administration by Reorg. Plan No. 7 of 1953, eff. Aug. 1, 1953, 18 F.R. 4541.

The Economic Cooperation Administration was abolished and its Administrator's powers and functions transferred to the Director for Mutual Security by section 502 of act Oct. 10, 1951, ch. 479, title V, 65 Stat. 378.

§ 1611b. Determination of items to be embargoed

(a) Adjustments; information to nations receiving assistance

The Administrator is authorized and directed to determine within thirty days after October 26, 1951, after full and complete consideration of the views of the Departments of State, Defense, and Commerce; the Economic Cooperation Administration; and any other appropriate agencies, and notwithstanding the provisions of any other law, which items are, for the purpose of this chapter, arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and those items of primary strategic significance used in the production of arms, ammunition, and implements of war which should be embargoed to effectuate the purposes of this chapter: *Provided*, That such determinations shall be continuously adjusted to current conditions on the basis of investigation and consultation, and that all nations receiving United States military, economic, or financial assistance shall be kept informed of such determinations.

(b) Termination of assistance; continuation of assistance by Presidential directive; reports to Congress

All military, economic, or financial assistance to any nation shall, upon the recommendation of the Administrator, be terminated forthwith if such nation after sixty days from the date of a determination under subsection (a) of this section knowingly permits the shipment to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination, of any item which he has determined under subsection (a) of this section after a full and complete investigation to be included in any of the following categories: Arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war: *Provided*, That the President after receiving the advice of the Administrator and after taking into account the contribution of such country to the mutual security of the free world, the importance of such assistance to the security of the united States, the strategic importance of imports received from countries of the Soviet bloc, and the adequacy of such country's controls over the export to the Soviet bloc of items of strategic importance, may direct the continuance of such assistance to a country which permits shipments of items other than arms, ammunition, implements of war, and atomic energy materials when unusual circumstances indicate that the cessation of aid would clearly be detrimental to the security of the United States: *Provided further*, That the President shall immediately report any determination made pursuant to the first proviso of this section with reasons therefor to the Appropriations and Armed Services Committees of the Senate and of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives,

and the President shall at least once each quarter review all determinations made previously and shall report his conclusions to the foregoing committees of the House and Senate, which reports shall contain an analysis of the trade with the Soviet bloc of countries for which determinations have been made.

(Oct. 26, 1951, ch. 575, title I, § 103, 65 Stat. 645; H. Res. 163, Mar. 19, 1975.)

CHANGE OF NAME

The name of the Committee on Foreign Affairs of the House of Representatives was changed to Committee on International Relations, effective Mar. 19, 1975, by House Resolution 163, 94th Congress.

TRANSFER OF FUNCTIONS

For transfer of functions to the Secretary of State from the President and abolishment of the offices of Director of Foreign Operations Administration and Director of Mutual Security, and abolishment of the Economic Cooperation Administration, see Transfer of Functions notes under section 1611a of this title.

§ 1611c. Resumption of assistance

Whenever military, economic, or financial assistance has been terminated as provided in this chapter, such assistance can be resumed only upon determination by the President that adequate measures have been taken by the nation concerned to assure full compliance with the provisions of this chapter.

(Oct. 26, 1951, ch. 575, title I, § 104, 65 Stat. 646.)

TRANSFER OF FUNCTIONS

For transfer of functions to the Secretary of State from the President and the abolishment of the offices of Director of Foreign Operations Administration and Director of Mutual Security, and abolishment of the Economic Cooperation Administration, see Transfer of Functions notes under section 1611a of this title.

§ 1611d. Definitions

For the purposes of this chapter the term "assistance" does not include activities carried on for the purpose of facilitating the procurement of materials in which the United States is deficient.

(Oct. 26, 1951, ch. 575, title I, § 105, 65 Stat. 646.)

SUBCHAPTER II—OTHER MATERIALS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1613, 1613a of this title.

§ 1612. Regulation of exports other than war materials

The Congress of the United States further declares it to be the policy of the United States to regulate the export of commodities other than those specified in subchapter I of this chapter to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination, in order to strengthen the United States and other cooperating nations of the free world and to oppose and offset by nonmilitary action acts which threaten the security of the United States and the peace of the world.

(Oct. 26, 1951, ch. 575, title II, § 201, 65 Stat. 646.)

DELEGATION OF FUNCTIONS

Functions of the President under this chapter delegated to the Secretary of State, see section 101 of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

§ 1612a. Negotiations with recipient countries for control of exports

The United States shall negotiate with any country receiving military, economic, or financial assistance arrangements for the recipient country to undertake a program for controlling exports of items not subject to embargo under subchapter I of this chapter, but which in the judgment of the Administrator should be controlled to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination.

(Oct. 26, 1951, ch. 575, title II, § 202, 65 Stat. 646.)

TRANSFER OF FUNCTIONS

For transfer of functions to the Secretary of State from the President and the abolishment of the offices of Director of Foreign Operations Administration and Director of Mutual Security, and abolishment of the Economic Cooperation Administration, see Transfer of Functions notes under section 1611a of this title.

§ 1612b. Termination of assistance

All military, economic, and financial assistance shall be terminated when the President determines that the recipient country (1) is not effectively cooperating with the United States pursuant to this subchapter, or (2) is failing to furnish to the United States information sufficient for the President to determine that the recipient country is effectively cooperating with the United States.

(Oct. 26, 1951, ch. 575, title II, § 203, 65 Stat. 646.)

TRANSFER OF FUNCTIONS

For transfer of functions to the Secretary of State from the President and abolishment of the offices of Director of Foreign Operations Administration and Director of Mutual Security, and abolishment of the Economic Cooperation Administration, see Transfer of Functions notes under section 1611a of this title.

SUBCHAPTER III—GENERAL PROVISIONS

§ 1613. Cooperation in program by non-recipient countries

All other nations (those not receiving United States military, economic, or financial assistance) shall be invited by the President to cooperate jointly in a group or groups or on an individual basis in controlling the export of the commodities referred to in subchapters I and II of this chapter to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination.

(Oct. 26, 1951, ch. 575, title III, § 301, 65 Stat. 647.)

TRANSFER OF FUNCTIONS

For transfer of functions to the Secretary of State from the President and the abolishment of the offices of Director of Foreign Operations Administration and Director of Mutual Security, and abolishment of the Economic Cooperation Administration, see Transfer of Functions notes under section 1611a of this title.

§ 1613a. Duties of Administrator

The Administrator with regard to all subchapters of this chapter shall—

(a) coordinate those activities of the various United States departments and agencies which are concerned with security controls over exports from other countries;

(b) make a continuing study of the administration of export control measures undertaken by foreign governments in accordance with the provisions of this chapter, and shall report to the Congress from time to time but not less than once every six months recommending action where appropriate; and

(c) make available technical advice and assistance on export control procedures to any nation desiring such cooperation.

(Oct. 26, 1951, ch. 575, title III, § 302, 65 Stat. 647.)

TRANSFER OF FUNCTIONS

For transfer of functions to the Secretary of State from the President and abolishment of the offices of Director of Foreign Operations Administration and Director of Mutual Security, and abolishment of the Economic Cooperation Administration, see Transfer of Functions notes under section 1611a of this title.

§ 1613b. Applicability of other laws; availability of funds

The provisions of subsection (a) of section 403, of section 404, and of subsections (c) and (d) of section 406 of the Mutual Defense Assistance Act of 1949 (Public Law 329, Eighty-first Congress), as amended [22 U.S.C. 1574(a), 1575, 1576(c), (d)], insofar as they are consistent with this chapter, shall be applicable to this chapter. Funds made available for the Mutual Defense Assistance Act of 1949, as amended [22 U.S.C. 1571 et seq.], shall be available for carrying out this chapter in such amounts as the President shall direct.

(Oct. 26, 1951, ch. 575, title III, § 303, 65 Stat. 647.)

REFERENCES IN TEXT

The Mutual Defense Assistance Act of 1949, referred to in text, is act Oct. 6, 1949, ch. 626, 63 Stat. 714, as amended, which was classified generally to chapter 20 (§ 1571 et seq.) of this title prior to its repeal by act Aug. 26, 1954, ch. 937, title V, § 542(a)(5), (9) to (11), 68 Stat. 861. For complete classification of this Act to the Code, see Tables volume.

Subsection (a) of section 403, section 404, and subsections (c) and (d) of section 406 of the Mutual Defense Assistance Act of 1949 (Public Law 329, Eighty-first Congress), as amended, referred to in text, were classified to sections 1574(a), 1575, and 1576(c) and (d) of this title and were repealed by act Aug. 26, 1954, ch. 937, title V, § 542(a)(5), (9) to (11), 68 Stat. 861.

See now section 2151 et seq. of this title.

TRANSFER OF FUNCTIONS

For transfer of functions to the Secretary of State from the President and abolishment of the offices of Director of Foreign Operations Administration and Director of Mutual Security, and abolishment of the Economic Cooperation Administration, see Transfer of Functions notes under section 1611a of this title.

CROSS REFERENCES

Peace Corps Act, provisions of this chapter as applicable, see section 2517 of this title.

§ 1613c. Expenses chargeable to local-currency funds

In every recipient country where local currency is made available for local currency expenses of the United States in connection with assistance furnished by the United States, the local currency administrative and operating expenses incurred in the administration of this chapter shall be charged to such local currency funds to the extent available.

(Oct. 26, 1951, ch. 575, title III, § 304, 65 Stat. 647.)

§ 1613d. Authorization of appropriations

There is authorized to be appropriated to the Secretary of State such sums as may be necessary from time to time to administer and carry out the objectives of this chapter.

(Oct. 26, 1951, ch. 575, title III, § 305, 65 Stat. 647; Sept. 4, 1961, Pub. L. 87-195, pt. IV, § 703(a), 75 Stat. 463.)

AMENDMENTS

1961—Pub. L. 87-195 authorized appropriations to carry out the objectives of this chapter and eliminated provisions which repealed sections 1515(d) and 1523 of this title. See Repeals note below.

REPEALS

Section 703(a) of Pub. L. 87-195, which amended this section, was repealed by section 401 of Pub. L. 87-565, pt. IV, Aug. 1, 1962, 76 Stat. 263, except insofar as section 703(a) affected this section.

Section 703(b) of Pub. L. 87-195 provided that: "The Amendment to section 305 of the Mutual Defense Assistance Control Act of 1951 [this section] effected by subsection (a) of this section shall not be deemed to affect the repeal of laws [sections 1515(d) and 1523 of this title] effected by that section prior to such amendment." Section 401 of Pub. L. 87-565, pt. IV, Aug. 1, 1962, 76 Stat. 263, repealed section 703(b) of Pub. L. 87-195, except insofar as it affected this section.

CHAPTER 21—SETTLEMENT OF INTERNATIONAL CLAIMS

SUBCHAPTER I—GENERAL PROVISIONS

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1621. Definitions.
1622. Establishment of Commission.
(a), (b). Repealed.
(c) Rules and regulations; termination date; removal of personnel; reports.
1623. Claims.
(a) Jurisdiction of Commission.
(b) Notice of filing time; publication; basis of decisions; finality of decision.
(c) Administration of oaths; examination of witnesses; subpenas; reporting of hearings; witness fees; contempt.
(d) Depositions.
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(f) Attorney's fees; limitation.
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(d) Erroneous payments as bar to further recovery.
(e) Acquiescence in conditions of subchapter.
(f) Non-assumption of liability by United States on claims against foreign governments.
1627. Creation of special funds in Treasury.
(a) Credits to, and payment from funds.
(b) Credits to Yugoslav Claims Fund; credits to other funds.
(c) Payment of awards.
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1631a. Property owned by Bulgaria, Hungary, and Rumania or any national thereof.
(a) Vesting of property; liquidation; disposition of net proceeds.
(b) Net proceeds of property vested in Alien Property Custodian or Attorney General.
(c) Determination of ownership by natural person of vested property.
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1631b. Cancellation and issuance of shares of stock or other beneficial interest in corporation.
1631c. Filing of order of conveyance.
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1631e. Rules by district courts; appeals.
1631f. Claims to vested property.
(a) Action for return of property; jurisdiction; complaint; custody of property until final determination.
(b) Notice of claim; review of denial.
(c) Exclusiveness of relief.
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(a) Claims allowable; defenses.
(b) Time limit for filing claims; extension; notice.
(c) Examination of claims; finality of determination.
(d) Fund for debt payments.
(e) Amount payable; disallowance; notice; review; additional evidence; judgment.
(f) Schedule of debt claims allowed; notice; review; additional evidence; intervention; judgment.
(g) Priority of claims.
(h) Priority as debt due United States.
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1631h. Hearings on claims; rules and regulations; delegation of powers.
1631i. Limitations.
1631j. Fees of agents, attorneys, or representatives.
1631k. Taxes.
(a) Liability.
(b) Payment by designee; liability of former owner; enforcement of tax liability; transfer of property.
(c) Computation; suspension of limitations.
(d) Definition.
1631l. Determination of expenses and time for filing suit, notice of claim and debt claim.
1631m. Lien, attachment, garnishment, etc., of transferred property.
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1631o. Eligibility for return of interest in property.
(a) Persons eligible; determination; prerequisites.
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1641. Definitions.
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1641l. Unpaid balance of claim; claims of United States unaffected.
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(a) Claims against Russian nationals.
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1641p. Fees of agents, attorneys, or representatives.
1641q. Applicability of administrative provisions of subchapter I.

SUBCHAPTER IV—CLAIMS AGAINST CZECHOSLOVAKIA

1642. Definitions.
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(a) Deposit of proceeds of certain property.
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(c) Voluntary settlement and payment of claims of nationals of the United States.
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1642b. Claims against United States; jurisdiction; limitation; preference; reserve fund.
1642c. Determination of validity and amount of claims.
1642d. Nationality requirements.
1642e. Claims based on ownership interest in corporations or other legal entities.
(a) Nationals of the United States.
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(c) Indirect ownership.
(d) Computation of award.
1642f. Prevention of double benefits.
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1642h. Prohibition against payment of award to certain persons.
1642i. Certification of awards.
1642j. Time for filing of claims; notice.
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1642l. Payment of awards.
(a) Manner of payment.
(b) Regulations.
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1643. Congressional declaration of purpose.
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1643b. Receipt of claims; determination of amount and validity; claims for disability or death.
1643c. Ownership of claims by nationals.
1643d. Claims based on ownership interest in or debt or other obligation owing by corporations or other legal entities.
(a) Nationals of the United States; charge on property.
(b) Direct ownership.
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SUBCHAPTER VI—CLAIMS AGAINST GERMAN DEMOCRATIC REPUBLIC

1644. Congressional declaration of purpose.
1644a. Definitions.
1644b. Receipt and determination of claims; notice by publication in Federal Register.
1644c. Ownership of claims by nationals.
1644d. Claims based on ownership interest in or debt or other obligation owing by corporations or other legal entities.
(a) Nationals of the United States; charge on property.
(b) Direct ownership.
(c) Indirect ownership.
(d) Computation of award.
1644e. Offsets.
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1644i. Time limitation on completion of affairs of Commission.
1644j. Transfer of records.
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1644m. Applicability of administrative provisions of subchapter I.

SUBCHAPTER I—GENERAL PROVISIONS

AMENDMENTS

1955—Sections 1621 to 1627 of this title which constituted the International Claims Settlement Act of 1949 were designated title I of such Act, herein referred to as subchapter I, for purposes of codification, by act Aug. 9, 1955, ch. 645, § 1, 69 Stat. 562.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1641q, 1642o, 1643h, 1644m of this title; title 50 App. section 2017n.

§ 1621. Definitions

For the purposes of this subchapter—

(a) The term "person" shall include an individual, partnership, corporation, or the Government of the United States.

(b) The term "United States" when used in a geographical sense shall include the United States, its Territories and insular possessions, and the Canal Zone.

(c) The term "nationals of the United States" includes (1) persons who are citizens of the United States, and (2) persons who, though not citizens of the United States, owe permanent allegiance to the United States. It does not include aliens.

(d) The term "Yugoslav Claims Agreement of 1948" means the agreement between the Governments of the United States of America and of the Federal People's Republic of Yugoslavia regarding pecuniary claims of the United States and its nationals, signed July 19, 1948.

(Mar. 10, 1950, ch. 54, title I, § 2, 64 Stat. 13; Aug. 9, 1955, ch. 645, §§ 1, 2, 69 Stat. 562.)

AMENDMENTS

1955—Act Aug. 9, 1955, § 1, amended credit to section by designating act Mar. 10, 1950, as "title I".

Act Aug. 9, 1955, § 2, substituted "subchapter" for "chapter" in opening phrase.

SHORT TITLE

Section 1 of act Mar. 10, 1950, provided that: "This Act [enacting this chapter] may be cited as the 'International Claims Settlement Act of 1949'."

TITLES OF ACT

Sections 1 and 3 of act Aug. 9, 1955, designated sections 1621 to 1627 of this title as "Title I" of act Mar. 10, 1950, which is classified to subchapter I of this chapter and added "Title II—Vesting and Liquidation of Bulgarian, Hungarian, and Rumanian Property" and "Title III—Claims Against Bulgaria, Hungary, Rumania, Italy, and the Soviet Union", which are classified to subchapters II and III, respectively, of this chapter. Pub. L. 85-604 added Title IV, Claims Against Czechoslovakia, which is classified to subchapter IV of this chapter. Pub. L. 88-666 added Title V, Claims Against Cuba, which is classified to subchapter V of this chapter. Pub. L. 94-542 added Title VI, Claims Against German Democratic Republic, which is classified to subchapter VI of this chapter.

ABOLISHMENT OF INTERNATIONAL CLAIMS COMMISSION AND TRANSFER OF FUNCTIONS

The International Claims Commission of the United States, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Commission of the United States by Reorg. Plan No. 1 of 1954, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out as a note under section 1622 of this title.

APPROPRIATIONS

Section 9 of act Mar. 10, 1950, provided that: "There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Commission to carry out its functions under this Act [this chapter]."

§ 1622. Establishment of Commission

(a), (b) Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 656

(c) Rules and regulations; termination date; removal of personnel; reports

The Commission may prescribe such rules and regulations as may be necessary to enable it to carry out its functions, and may delegate functions to any member, officer, or employee of the Commission. The President may fix a termination date for the authority of the Commission, and the terms of office of its members under this subchapter. Any member of the Commission may be removed by the Secretary of State, upon notice and hearing, for neglect of duty, or malfeasance in office, but for no other cause. Not later than six months after its organization, and every six months thereafter, the Commission shall make a report, through the Secretary of State, to the Congress concerning its operations under this subchapter. The Commission shall, upon completion of its work, certify in duplicate to the Secretary of State and to the Secretary of the Treasury the following: (1) A list of all claims disallowed; (2) a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon; and (3) a copy of the decision rendered in each case.

(Mar. 10, 1950, ch. 54, title I, § 3, 64 Stat. 13; Aug. 8, 1953, ch. 396, § 3, 67 Stat. 506; 1954 Reorg. Plan No. 1, §§ 1, 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279; Aug. 9, 1955, ch. 645, §§ 1, 2, 69 Stat. 562; Sept. 6, 1966, Pub. L. 89-554, § 8(a), 80 Stat. 656, 657.)

ANNUAL SUBMISSION OF REPORT

Pub. L. 89-348, § 2(7), Nov. 8, 1965, 79 Stat. 1312, modified subsection (c) of this section to require annual submission instead of semiannual submission to the Congress by the Foreign Claims Settlement Commission of its report concerning its operations under the International Claims Settlement Act of 1949.

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-554 repealed subsec. (a), which related to the composition, appointment, chairman, quorum, and acting members of the Commission.

Subsec. (b). Pub. L. 89-554 repealed subsec. (b), which provided for the principal office of the Commission, and for the appointment and compensation of personnel.

Subsec. (d). Pub. L. 89-554 repealed subsec. (d), which related to a limitation on additional appointments to the Commission.

1955—Act Aug. 9, 1955, § 1, amended credit to section by designating act Mar. 10, 1950, as "title I".

Subsec. (c). Act Aug. 9, 1955, § 2, substituted "subchapter", for "chapter".

1953—Act Aug. 8, 1953, added a par. at the end thereof which has been set out as subsec. (d).

ABOLISHMENT OF INTERNATIONAL CLAIMS COMMISSION

The International Claims Commission of the United States was abolished by Reorg. Plan No. 1 of 1954, § 4(a), eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out as a note under this section.

ABOLISHMENT OF FUNCTIONS OF SECRETARY OF STATE

The functions of the Secretary of State under the third and fourth sentences of subsec. (c) of this section were abolished by Reorg. Plan No. 1 of 1954, § 4(b), eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out as a note under this section.

REORGANIZATION PLAN NO. 1 OF 1954

Eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 29, 1954, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended [see section 901 et seq. of Title 5, Government Organization and Employees].

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

SECTION 1. *Establishment of Commission.* There is hereby established the Foreign Claims Settlement Commission of the United States, hereinafter referred to as the Commission. The Commission shall be composed of three members, who shall each be appointed by the President by and with the advice and consent of the Senate, hold office during the pleasure of the President, and receive compensation at the rate of $15,000 per annum. The President shall from time to time designate one of the members of the Commission as the Chairman of the Commission, hereinafter referred to as the Chairman. Two members of the Commission shall constitute a quorum for the transaction of the business of the Commission.

SEC. 2. *Transfer of functions.* (a) All functions of the War Claims Commission and of the members, officers, and employees thereof are hereby transferred to the Foreign Claims Settlement Commission of the United States.

(b) All functions of the International Claims Commission of the United States (hereinafter referred to as the International Claims Commission) and the

members, officers, and employees thereof are hereby transferred to the Foreign Claims Settlement Commission of the United States.

(c) The functions of the Secretary of State and of the Department of State with respect to the International Claims Commission and its affairs, exclusive of the functions of the said Secretary and Department under sections 3(c), 4(b), and 5, and the first sentence of section 8(d), of the International Claims Settlement Act of 1949, 64 Stat. 12, as amended [subsec. (c) of this section, and sections 1623(b), 1624, and 1627(d) of this title], are hereby transferred to the Commission.

(d) The functions of the Commissioner provided for in the Joint Resolution approved August 4, 1939, ch. 421, 53 Stat. 1199, together with the functions of the Secretary of State under section 2 thereof, are hereby transferred to the Commission.

SEC. 3. *Certain functions of Chairman.* There are hereby vested in the Chairman all functions of the Commission with respect to the internal management of the affairs of the Commission, including but not limited to functions with respect to: (a) the appointment of personnel employed under the Commission, (b) the direction of employees of the Commission and the supervision of their official activities, (c) the distribution of business among employees and organizational units under the Commission, (d) the preparation of budget estimates, and (e) the use and expenditure of funds of the Commission available for expenses of administration.

SEC. 4. *Abolitions.* (a) The War Claims Commission provided for in the War Claims Act of 1948, 62, Stat. 1240, as amended [sections 2001 to 2012, 2013 to 2017p of Appendix to Title 50] and the International Claims Commission, provided for in the International Claims Settlement Act of 1949, as amended [sections 1621 to 1627 of this title], including the offices of the members of each of the said commissions, and the office of Commissioner provided for in the aforesaid Joint Resolution of August 4, 1939, are hereby abolished.

(b) The functions of the Secretary of State under the third and fourth sentences of section 3(c) of the International Claims Settlement Act of 1949, as amended [subsec. (c) of this section], are hereby abolished.

SEC. 5. *Authorization to delegate.* The Commission is hereby authorized to delegate any of its functions to one or more persons designated by the Commission from among the members of the Commission and the officers and employees serving under the Commission.

SEC. 6. *Transitional provisions.* (a) Any person who is a member or acting member of the War Claims Commission or of the International Claims Commission immediately prior to the taking effect of the provisions of this reorganization plan may be designated by the President as an acting member of the Foreign Claims Settlement Commission of the United States in respect of an office of member the initial appointment to which has not then been made under section 1 of this reorganization plan. Each such acting member of the said Foreign Claims Settlement Commission shall perform the duties and receive the compensation of member. Unless sooner terminated, the tenure of any acting member designated hereunder shall terminate when the office of member concerned is filled in pursuance of section 1 hereof, or 120 days after the effective date of this reorganization plan, whichever is earlier.

(b) The Chairman shall make such provisions as may be necessary with respect to winding up any affairs of the agencies abolished by the provisions of this reorganization plan not otherwise provided for herein.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available, in connection with the functions transferred by section 2 of this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred to the Commission at such time or times as the said Director shall direct.

(d) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (c) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 7. *Effective date.* The provisions of this reorganization plan shall take effect on the date determined under section 6(a) of the Reorganization Act of 1949, as amended [now covered by section 906 of Title 5, Government Organization and Employees], or the first day of July, 1954, whichever is later.

§ 1623. Claims

(a) Jurisdiction of Commission

The Commission shall have jurisdiction to receive, examine, adjudicate, and render final decisions with respect to claims of the Government of the United States and of nationals of the United States included within the terms of the Yugoslav Claims Agreement of 1948, or included within the terms of any claims agreement on and after March 10, 1954 concluded between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof. In the decision of claims under this subchapter, the Commission shall apply the following in the following order: (1) The provisions of the applicable claims agreement as provided in this subsection; and (2) the applicable principles of international law, justice, and equity.

(b) Notice of filing time; publication; basis of decisions; finality of decision

The Commission shall give public notice of the time when, and the limit of time within which, claims may be filed, which notice shall be published in the Federal Register. In addition, the Commission is authorized and directed to mail a similar notice to the last known address of each person appearing in the records of the Department of State as having indicated an intention of filing a claim with respect to a matter concerning which the Commission has jurisdiction under this subchapter. All decisions shall be upon such evidence and written legal contentions as may be presented within such period as may be prescribed therefor by the Commission, and upon the results of any independent investigation of cases which the Commission may deem it advisable to make. Each decision by the Commission pursuant to this subchapter shall be by majority vote, and shall state the reason for such decision, and shall constitute a full and final disposition of the case in which the decision is rendered.

(c) Administration of oaths; examination of witnesses; subpenas; reporting of hearings; witness fees; contempt

Any member of the Commission, or any employee of the Commission, designated in writing by the Chairman of the Commission, may ad-

minister oaths and examine witnesses. Any member of the Commission may require by subpena the attendance and testimony of witnesses, and the production of all necessary books, papers, documents, records, correspondence, and other evidence, from any place in the United States at any designated place of inquiry or of hearing. The Commission is authorized to contract for the reporting of inquiries or of hearings. Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of disobedience to a subpena, the aid of any district court of the United States, as constituted by chapter 5 of title 28, and the United States court of any Territory or other place subject to the jurisdiction of the United States may be invoked in requiring the attendance and testimony of witnesses and the production of such books, papers, documents, records, correspondence, and other evidence. Any such court within the jurisdiction of which the inquiry or hearing is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) Depositions

The Commission may order testimony to be taken by deposition in any inquiry or hearing pending before it at any stage of such proceeding or hearing. Such depositions may be taken, under such regulations as the Commission may prescribe, before any person designated by the Commission and having power to administer oaths. Any person may be compelled to appear and depose, and to produce books, papers, documents, records, correspondence, and other evidence in the same way as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission, as hereinabove provided. If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken, provided the laws of the foreign country so permit, by a consular officer, or by an officer or employee of the Commission, or other person commissioned by the Commission, or under letters rogatory issued by the Commission. Witnesses whose depositions are taken as authorized in this subsection, and the persons taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(e) Penalties

In addition to the penalties provided in section 1001 of title 18, any person guilty of any act, as provided therein, with respect to any matter under this subchapter, shall forfeit all rights under this subchapter, and, if payment shall have been made or granted, the Commission shall take such action as may be necessary to recover the same.

(f) Attorney's fees; limitation

No remuneration on account of services rendered on behalf of any claimant in connection with any claim filed with the Commission under this subchapter shall exceed 10 per centum of the total amount paid pursuant to any award certified under the provisions of this subchapter on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

(g) Representation by United States; payments

The Attorney General shall assign such officers and employees of the Department of Justice as may be necessary to represent the United States as to any claims of the Government of the United States with respect to which the Commission has jurisdiction under this subchapter. Any and all payments required to be made by the Secretary of the Treasury under this subchapter pursuant to any award made by the Commission to the Government of the United States shall be covered into the Treasury to the credit of miscellaneous receipts.

(h) Notification of disposition of claims; right to hearing; finality of Commission's decision

The Commission shall notify all claimants of the approval or denial of their claims, stating the reasons and grounds therefor, and, if approved, shall notify such claimants of the amount for which such claims are approved. Any claimant whose claim is denied, or is approved for less than the full amount of such claim, shall be entitled, under such regulations as the Commission may prescribe, to a hearing before the Commission, or its duly authorized representatives, with respect to such claim. Upon such hearing, the Commission may affirm, modify, or revise its former action with respect to such claim, including a denial or reduction in the amount theretofore allowed with respect to such claim. The action of the Commission in allowing or denying any claim under this subchapter shall be final and conclusive on all questions of law and fact and not subject to review by the Secretary of State or any other official, department, agency, or establishment of the United States or by any court by mandamus or otherwise.

(i) Separation of awards

The Commission may in its discretion enter an award with respect to one or more items deemed to have been clearly established in an individual claim while deferring consideration and action on other items of the same claim.

(j) Compliance with Administrative Procedure Act

The Commission shall comply with the provisions of subchapter II of chapter 5, and chapter 7, of title 5 except as otherwise specifically provided by this subchapter.

(Mar. 10, 1950, ch. 54, title I, § 4, 64 Stat. 13; Aug. 9, 1955, ch. 645, §§ 1, 2, 69 Stat. 562; July 24, 1968, Pub. L. 90-421, § 1(1), 82 Stat. 420.)

CODIFICATION

"Subchapter II of chapter 5, and chapter 7, of title 5" was substituted for "the Administrative Procedure Act of 1946" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1968—Subsec. (f). Pub. L. 90-421 eliminated provisions which authorized the Commission to determine the amount of attorney's fees, such fees not to exceed 10% of the award and any written agreement between attorney and claimant as to fees to be conclusive upon the Commission, if the agreed upon fees do not exceed 10% of the award, provisions which authorized the Secretary of the Treasury to deduct the fees from the amount of the award and to pay it directly to the attorney, any agreement to the contrary to be unlawful and void, provisions which authorized the Commission to give notice by mail to each claimant of the provisions of this subsection, and provisions which authorized the Commission to recover any fees paid in contravention of this subsection, the recipient to forfeit all rights under this subchapter.

1955—Act Aug. 9, 1955, § 1, amended credit to section by designating act Mar. 10, 1950, as "title I".

Subsecs. (a), (b), (e) to (h) and (j). Act Aug. 9, 1955, § 2, substituted "subchapter" for "chapter".

ABOLISHMENT OF INTERNATIONAL CLAIMS COMMISSION AND TRANSFER OF FUNCTIONS

The International Claims Commission of the United States, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement Commission of the United States by Reorg. Plan No. 1 of 1954, §§ 1, 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out as a note under section 1622 of this title.

PROTESTS RELATING TO AWARDS BY COMMISSION; NOTICE BY PUBLICATION IN FEDERAL REGISTER

Act Mar. 10, 1950, c. 54, title VI, § 615, as added Oct. 18, 1976, Pub. L. 94-542, 90 Stat. 2512, provided that: "Notwithstanding the provision of sections 210 and 211 of the War Claims Act of 1948 (Act of July 3, 1948), as amended by Public Law 87-846 [sections 2017i and 2017j of the Appendix to Title 50, War and National Defense], the Foreign Claims Settlement Commission established by Reorganization Plan No. 1 of 1954 (68 Stat. 1279) [set out under section 1622 of this title] is authorized and directed to receive and consider protests relating to awards made by the Commission during the ten calendar days immediately preceding the expiration of the Commission's mandate to make such awards on May 17, 1967. Any such protests must be filed within ninety days after notice of the enactment of this provision is filed with and published in the Federal Register, which shall take place within thirty days of enactment [Oct. 18, 1976]. Such protests may include the submission of new evidence not previously before the Commission, and shall be acted upon within thirty days after receipt by the Commission. The Commission may modify awards made during the subject period in accordance with the procedures established by the War Claims Act of 1948, [section 2001 et seq. of the Appendix to Title 50], and any increases in awards determined to be appropriated by the Commission shall be certified to and paid by the Secretary of the Treasury out of funds which are now or may hereafter become available in the War Claims Fund in accordance with section 213 of the Act [section 2017l of the Appendix to Title 50]."

CROSS REFERENCES

Claims against Bulgaria, Hungary, Rumania, Italy, and the Soviet Union, subsecs. (b) to (e), (h), and (j) of section as applicable, see section 1641q of this title.

Claims against Cuba, subsecs. (b) to (e), (h), and (j) of section as applicable, see section 1643h of this title.

Claims against Czechoslovakia, subsecs. (b) to (e), (h), and (j) of section as applicable, see section 1642o of this title.

Contempt, punishment, see sections 401 and 402 of Title 18, Crimes and Criminal Procedure.

Witnesses, fees, see chapter 119 of Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

Relief by action or motion instead of relief by mandamus, see rule 81, Title 28, Appendix, Judiciary and Judicial Procedure.

Subpoena, see rule 45.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1624, 1627, 1641q, 1642o, 1643h, 1644m of this title.

§ 1624. Certification of awards; certification of claims

The Commission shall, as soon as possible, and in the order of the making of such awards, certify to the Secretary of the Treasury and to the Secretary of State copies of the awards made in favor of the Government of the United States or of nationals of the United States under this subchapter. The Commission shall certify to the Secretary of State, upon his request, copies of the formal submissions of claims filed pursuant to subsection (b) of section 1623 of this title for transmission to the foreign government concerned.

(Mar. 10, 1950, ch. 54, title I, § 5, 64 Stat. 16; Aug. 9, 1955, ch. 645, §§ 1, 2, 69 Stat. 562.)

AMENDMENTS

1955—Act Aug. 9, 1955, § 1, amended credit to section by designating act Mar. 10, 1950, as "title I".

Act Aug. 9, 1955, § 2, substituted "subchapter" for "chapter".

ABOLISHMENT OF INTERNATIONAL CLAIMS COMMISSION AND TRANSFER OF FUNCTIONS

The International Claims Commission of the United States, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement Commission of the United States by Reorg. Plan No. 1 of 1954, §§ 1, 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out as a note under section 1622 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1626, 1627 of this title.

§ 1625. Omitted

CODIFICATION

Section, acts Mar. 10, 1950, ch. 54, title 1, § 6, 64 Stat. 16; Aug. 8, 1953, ch. 396, § 1, 67 Stat. 506, provided that Commission complete its affairs in connection with settlement of all United States-Yugoslavian Claims arising under Yugoslav Claims Agreement of 1948, by December 31, 1954 and expired by its own terms.

§ 1626. Payments

(a) Principal and interest; regulations

Subject to the limitations hereinafter provided, the Secretary of the Treasury is authorized and directed to pay, as prescribed by section 1627 of this title, an amount not exceeding the principal of each award, plus accrued interest on such awards as bear interest, certified pursuant to section 1624 of this title, in accordance with the award. Such payments, and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

(b) Deductions; coverage into Treasury; reimbursement for expenses

(1) There shall be deducted from the amount of each payment made pursuant to subsection

(c) of section 1627 of this title, as reimbursement for the expenses incurred by the United States, an amount equal to 5 per centum of such payment. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

(2) The Secretary of the Treasury shall deduct from any amounts covered, subsequent to July 24, 1968, into any special fund, created pursuant to section 1627 of this title, 5 percentum thereof as reimbursement to the Government of the United States for expenses incurred by the Commission and by the Treasury Department in the administration of this subchapter. The amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

(c) To whom made; exceptions

Payments made pursuant to this subchapter shall be made only to the person or persons on behalf of whom the award is made, except that—

(1) if any person to whom any payment is to be made pursuant to this subchapter is deceased or is under a legal disability, payment shall be made to his legal representative, except that if any payment to be made is not over $1,000 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Comptroller General to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates;

(2) in the case of a partnership or corporation, the existence of which has been terminated and on behalf of which an award is made, payment shall be made, except as provided in paragraphs (3) and (4) of this subsection, to the person or persons found by the Comptroller General of the United States to be entitled thereto;

(3) if a receiver or trustee for any such partnership or corporation has been duly appointed by a court of competent jurisdiction in the United States and has not been discharged prior to the date of payment, payment shall be made to such receiver or trustee in accordance with the order of the court;

(4) if a receiver or trustee for any such partnership or corporation, duly appointed by a court of competent jurisdiction in the United States, makes an assignment of the claim, or any part thereof, with respect to which an award is made, or makes an assignment of such award, or any part thereof, payment shall be made to the assignee, as his interest may appear; and

(5) in the case of any assignment of an award, or any part thereof, which is made in writing and duly acknowledged and filed, after such award is certified to the Secretary of the Treasury, payment may, in the discretion of the Secretary of the Treasury, be made to the assignee, as his interest may appear.

(d) Erroneous payments as bar to further recovery

Whenever the Secretary of the Treasury, or the Comptroller General of the United States, as the case may be, shall find that any person is entitled to any such payment, after such payment shall have been received by such person, it shall be an absolute bar to recovery by any other person against the United States, its officers, agents, or employees with respect to such payment.

(e) Acquiescence in conditions of subchapter

Any person who makes application for any such payment shall be held to have consented to all the provisions of this subchapter.

(f) Non-assumption of liability by United States on claims against foreign governments

Nothing in this subchapter shall be construed as the assumption of any liability by the United States for the payment or satisfaction, in whole or in part, of any claim on behalf of any national of the United States against any foreign government.

(Mar. 10, 1950, ch. 54, title I, § 7, 64 Stat. 16; Aug. 8, 1953, ch. 396, § 2, 67 Stat. 506; Aug. 9, 1955, ch. 645, §§ 1, 2, 69 Stat. 562; July 24, 1968, Pub. L. 90-421, § 1(2), (3), 82 Stat. 420.)

AMENDMENTS

1968—Subsec. (b). Pub. L. 90-421, § 1(2), designated existing provisions as par. (1), and added par. (2).

Subsec. (c)(1). Pub. L. 90-421, § 1(3), substituted "any person to whom any payment is to be made pursuant to this subchapter" for "such person" and ", except that if any payment to be made is not over $1000" for ": Provided, That if the total award is not over $500", and struck out "of the United States" following "Comptroller General".

1955—Act Aug. 9, 1955, § 1, amended credit to section by designating act Mar. 10, 1950, as "title I".

Act Aug. 9, 1955, § 2, substituted "subchapter" for "chapter".

1953—Subsec. (b). Act Aug. 8, 1953, increased the amount deductible to cover expenses from 3 to 5 percent.

ABOLISHMENT OF INTERNATIONAL CLAIMS COMMISSION AND TRANSFER OF FUNCTIONS

The International Claims Commission of the United States, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement Commission of the United States by Reorg. Plan No. 1, of 1954, §§ 1, 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out as a note under section 1622 of this title.

CROSS REFERENCES

Claims against Bulgaria, Hungary, Rumania, Italy, and the Soviet Union, subsecs. (c) to (f) of section as applicable, see section 1641q of this title.

Claims against Cuba, subsec. (f) as applicable, see section 1643h of this title.

Claims against Czechoslovakia, subsecs. (c) to (f) of section as applicable, see section 1642o of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1627, 1641q, 1642o, 1643h, 1644m of this title; title 50 App. section 2017n.

§ 1627. Creation of special funds in Treasury

(a) Credits to, and payment from funds

There are created in the Treasury of the United States (1) a special fund to be known as the Yugoslav Claims Fund; and (2) such other special funds as may, in the discretion of the Secretary of the Treasury, be required, each to be a claims fund to be known by the name of the foreign government which has entered into

a settlement agreement with the Government of the United States as described in subsection (a) of section 1623 of this title. There shall be covered into the Treasury to the credit of the proper special fund all funds hereinafter specified. All payments authorized under section 1626 of this title shall be disbursed from the proper fund, as the case may be, and all amounts covered into the Treasury to the credit of the aforesaid funds are permanently appropriated for the making of the payments authorized by section 1626 of this title.

(b) Credits to Yugoslav Claims Fund; credits to other funds

The Secretary of the Treasury is authorized and directed to cover into—

(1) the Yugoslav Claims Fund the sum of $17,000,000 being the amount paid by the Government of the Federal People's Republic of Yugoslavia pursuant to the Yugoslav Claims Agreement of 1948;

(2) a special fund created for that purpose pursuant to subsection (a) of this section any amounts hereafter paid, in United States dollars, by a foreign government which has entered into a claims settlement agreement with the Government of the United States as described in subsection (a) of section 1623 of this title.

(c) Payment of awards

The Secretary of the Treasury is authorized and directed out of the sums covered prior to July 24, 1968, into any of the funds pursuant to subsection (b) of this section, and after making the deduction provided for in section 1626(b)(1) of this title—

(1) to make payments in full of the principal of awards of $1,000 or less, certified pursuant to section 1624 of this title;

(2) to make payments of $1,000 on the principal of each award of more than $1,000 in principal amount, certified pursuant to section 1624 of this title;

(3) to make additional payment of not to exceed 25 per centum of the unpaid principal of awards in the principal amount of more than $1,000;

(4) after completing the payments prescribed by paragraphs (2) and (3) of this subsection, to make payments, from time to time in ratable proportions, on account of the unpaid principal of all awards in the principal amount of more than $1,000, according to the proportions which the unpaid principal of such awards bear to the total amount in the fund available for distribution at the time such payments are made; and

(5) after payment has been made of the principal amounts of all such awards, to make pro rata payments on account of accrued interest on such awards as bear interest.

(d) Payment of balance to Yugoslav Government; certification of adjudication costs; finality of certification

The Secretary of the Treasury, upon the concurrence of the Secretary of State, is authorized and directed, out of the sum covered into the Yugoslav Claims Fund pursuant to subsection (b) of this section, after completing the payments of such funds pursuant to subsection (c) of this section, to make payment of the balance of any sum remaining in such fund to the Government of the Federal People's Republic of Yugoslavia to the extent required under article 1(c) of the Yugoslav Claims Agreement of 1948. The Secretary of State shall certify to the Secretary of the Treasury the total cost of adjudication, not borne by the claimants, attributable to the Yugoslav Claims Agreement of 1948. Such certification shall be final and conclusive and shall not be subject to review by any other official, or department, agency, or establishment of the United States.

(e) Payments; priorities

The Secretary of the Treasury is authorized and directed out of sums covered, subsequent to July 24, 1968, into any special fund created pursuant to this section to make payment on account of awards certified by the Commission pursuant to this subchapter with respect to claims included within the terms of a claims settlement agreement concluded between the Government of the United States and a foreign government as described in section 1623(a) of this title, as follows and in the following order of priority:

(1) Payment in the amount of $1,000 or the principal amount of the award, whichever is less;

(2) Thereafter, payments from time to time on account of the unpaid principal balance of each remaining award which shall bear to such unpaid principal balance the same proportion as the total amount available for distribution at the time such payments are made bears to the aggregate unpaid principal balance of all such awards; and

(3) Thereafter, payments from time to time on account of the unpaid balance of each award of interest which shall bear to such unpaid balance of interest, the same proportion as the total amount available for distribution at the time such payments are made bears to the aggregate unpaid balance of interest of all such awards.

(Mar. 10, 1950, ch. 54, title I, § 8, 64 Stat. 17; Aug. 9, 1955, ch. 645, § 1, 69 Stat. 562; July 24, 1968, Pub. L. 90-421, § 1(4), (5), 82 Stat. 420.)

AMENDMENTS

1968—Subsec. (c). Pub. L. 90-421, § 1(4), added ", prior to July 24, 1968," following "the sums covered" and substituted "section 1626(b)(1) of this title" for "section 1626(b) of this title".

Subsec. (e). Pub. L. 90-421, § 1(5), added subsec. (e).

1955—Act Aug. 9, 1955, amended credit to section by designating act Mar. 10, 1950, as "title I".

ABOLISHMENT OF INTERNATIONAL CLAIMS COMMISSION AND TRANSFER OF FUNCTIONS

The International Claims Commission of the United States, including the offices of its members, was abolished and the functions of the Commission and of the members, officers, and employees thereof were transferred to the Foreign Claims Settlement Commission of the United States by Reorg. Plan No. 1 of 1954, §§ 1, 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out as a note under section 1622 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1626 of this title.

SUBCHAPTER II—VESTING AND LIQUIDATION OF BULGARIAN, HUNGARIAN, AND RUMANIAN PROPERTY

§ 1631. Definitions

As used in this subchapter the term—

(1) "Person" means a natural person, partnership, association, or other unincorporated body, corporation, or body politic.

(2) "Property" means any property, right, or interest.

(3) "Treaty of peace", with respect to a country, means the treaty of peace with that country signed at Paris, France, February 10, 1947, which came into force between that country and the United States on September 15, 1947.

(Mar. 10, 1950, ch. 54, title II, § 201, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 562.)

§ 1631a. Property owned by Bulgaria, Hungary, and Rumania or any national thereof

(a) Vesting of property; liquidation; disposition of net proceeds

In accordance with article 25 of the treaty of peace with Bulgaria, article 29 of the treaty of peace with Hungary, and article 27 of the treaty of peace with Rumania, any property which was blocked in accordance with Executive Order 8389 of April 10, 1940, as amended, and remains blocked on August 9, 1955, and which, as of September 15, 1947, was owned directly or indirectly by Bulgaria, Hungary, and Rumania or by any national thereof as defined in such Executive Order, shall vest in such officer or agency as the President may from time to time designate and shall vest when, as, and upon such terms as the President or his designee shall direct. Such property shall be sold or otherwise liquidated as expeditiously as possible after vesting under such rules and regulations as the President or his designee may prescribe. The net proceeds remaining upon completion of the administration and liquidation thereof, including the adjudication of any suits or claims with respect thereto under sections 1631f and 1631g of this title, shall be covered into the Treasury. Notwithstanding the preceding provisions of this subsection, any such property determined by the President or his designee to be owned directly by a natural person shall not be vested under this subsection but shall remain blocked subject to release when, as, and upon such terms as the President or his designee may prescribe. If, at any time within one year from the date of the vesting of any property under this subsection, the President or his designee shall determine that it was directly owned at the date of vesting by a natural person, then the President or his designee shall divest such property and restore it to its blocked status prior to vesting, subject to release when, as, and upon such terms as the President or his designee may prescribe, or if such property has been liquidated, shall divest the net proceeds thereof and carry them in blocked accounts with the Treasury, bearing no interest, in the name of the owner thereof at the date of vesting, subject to release when, as, and upon such terms as the President or his designee may prescribe.

(b) Net proceeds of property vested in Alien Property Custodian or Attorney General

The net proceeds of any property which was vested in the Alien Property Custodian or the Attorney General after December 17, 1941, pursuant to the Trading With the Enemy Act, as amended, and which at the date of vesting was owned directly or indirectly by Bulgaria, Hungary, or Rumania, or any national thereof, shall after completion of the administration, liquidation, and disposition of such property pursuant to such Act, including the adjudication of any suits or claims with respect thereto under such Act, be covered into the Treasury, except that the net proceeds of any such property which the President or his designee shall determine was directly owned by a natural person at the date of vesting shall be divested by the President or such officer or agency as he may designate and carried in blocked accounts with the Treasury, bearing no interest, in the name of the owner thereof at the date of vesting, subject to release when, as, and upon such terms as the President or his designee may prescribe.

(c) Determination of ownership by natural person of vested property

The determination under this section that any vested property was not directly owned by a natural person at the date of vesting shall be within the sole discretion of the President or his designee and shall not be subject to review by any court.

(d) Furnishing of information; production of books and records

The President or his designee may require any person to furnish, in the form of reports or otherwise, complete information, including information with regard to past transactions, relative to any property blocked under Executive Order 8389 of April 10, 1940, as amended, or as may be otherwise necessary to enforce the provisions of this section; and the President or his designee may require of any person the production of any books of account, records, contracts, letters, memoranda, or other papers relative to such property or as may be otherwise necessary to enforce the provisions of this section.

(Mar. 10, 1950, ch. 54, title II, § 202, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 562.)

References in Text

Executive Order 8389 of Apr. 10, 1940, referred to in subsecs. (a) and (d), is Ex. Ord. 8389, Apr. 10, 1940, 5 F.R. 1400, which is set out under section 95a of Title 12, Banks and Banking.

The Trading With the Enemy Act, as amended, referred to in subsec. (b), is act Oct. 6, 1917, ch. 106, 40 Stat. 411, as amended, which is classified to sections 1 to 6, 7 to 39 and 41 to 44 of Title 50, Appendix, War and National Defense. For complete classification of this Act to the Code, see Tables volume.

Such Act, referred to in subsec. (b), means the Trading With the Enemy Act.

Transfer of Alien Property Custodian Functions

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interests in the Philippines, are now vested in the Attorney General. See notes to section 6 of Title 50, Appendix, War and National Defense.

EX. ORD. NO. 10644. ADMINISTRATION BY ATTORNEY GENERAL

Ex. Ord. No. 10644, Nov. 8, 1955, 20 F.R. 8363, as amended by Ex. Ord. No. 11281, May 13, 1966, 31 F.R. 7215, provided:

SECTION 1. (a) With the exception of the functions referred to in subsection (b) of this section, the Attorney General, and, as designated by the Attorney General for this purpose, any Assistant Attorney General are hereby designated and empowered to perform the functions conferred by Title II of the International Claims Settlement Act of 1949 [this subchapter] upon the President, and the functions conferred by that title upon any designee of the President.

(b) The Secretary of the Treasury, and any officer, person, agency or instrumentality designated by the Secretary of the Treasury for this purpose, are hereby designated and empowered to perform the functions conferred upon the President by section 202 of Title II [this section] with respect to the release of blocked property and of the net proceeds of property that are carried in blocked accounts with the Treasury.

SEC. 2. The Attorney General is hereby designated as the officer in whom property shall vest under the said Title II [this subchapter].

SEC. 3. As used in this order, the term "functions" includes duties, powers, responsibilities, authority, and discretion, and the term "perform" may be construed to include "exercise".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1631g, 1631*l*, 1631o, 1641a of this title.

§ 1631b. Cancellation and issuance of shares of stock or other beneficial interest in corporation

Whenever shares of stock or other beneficial interest in any corporation, association, or company or trust are vested in any officer or agency designated by the President under this subchapter, it shall be the duty of the corporation, association, or company or trustee or trustees issuing such shares or any certificates or other instruments representing the same or any other beneficial interest to cancel such shares of stock or other beneficial interest upon its, his, or their books and in lieu thereof to issue certificates or other instruments for such shares or other beneficial interest to the designee of the President, or otherwise as such designee shall require.

(Mar. 10, 1950, ch. 54, title II, § 203, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 563.)

§ 1631c. Filing of order of conveyance

Any vesting order, or other order or requirement issued pursuant to this subchapter, or a duly certified copy thereof, may be filed, registered, or recorded in any office for the filing, registering, or recording of conveyances, transfers, or assignments of such property as may be covered by such order or requirement; and if so filed, registered, or recorded shall impart the same notice and have the same force and effect as a duly executed conveyance, transfer, or assignment so filed, registered, or recorded.

(Mar. 10, 1950, ch. 54, title II, § 204, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 563.)

§ 1631d. Acquittance and discharge of obligation

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this subchapter, or any rule, regulation, instruction, or direction issued under this subchapter, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this subchapter, or of any rule, regulation, instruction, or direction issued thereunder.

(Mar. 10, 1950, ch. 54, title II, § 205, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 563.)

§ 1631e. Rules by district courts; appeals

The district courts of the United States are given jurisdiction to make and enter all such rules as to notice and otherwise, and all such orders and decrees, and to issue such process as may be necessary and proper in the premises to enforce the provisions of this subchapter, with a right of appeal from the final order or decree of such court as provided in sections 1252, 1254, 1291, and 1292 of title 28.

(Mar. 10, 1950, ch. 54, title II, § 206, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 563.)

§ 1631f. Claims to vested property

(a) Action for return of property; jurisdiction; complaint; custody of property until final determination

Any person who has not filed a notice of claim under subsection (b) of this section may institute a suit in equity for the return of any property, or the net proceeds thereof, vested in a designee of the President pursuant to section 1631a(a) of this title and held by such designee. Such suit, to which said designee shall be made a party defendant, shall be instituted in the District Court of the United States for the District of Columbia or in the district court of the United States for the district in which the claimant resides, or, if a corporation, where it has its principal place of business, by the filing of a complaint which alleges—

(1) that the claimant is a person other than Bulgaria, Hungary, or Rumania, or a national thereof as defined in Executive Order 8389 of April 10, 1940, as amended; and

(2) that the claimant was the owner of such property immediately prior to its vesting, or is the successor in interest of such owner by inheritance, devise, or bequest.

If the court finds in favor of the claimant, it shall order the payment, conveyance, transfer, assignment, or delivery to said claimant of such property, or the net proceeds thereof, held by said designee or the portion thereof to which the court shall determine said claimant is entitled. If suit shall be so instituted, then such property, or, if liquidated, the net proceeds thereof, shall be retained in the custody of said designee until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied, or until final judgment or decree shall be entered against the claimant or suit otherwise terminated.

(b) Notice of claim; review of denial

Any person who has not instituted a suit under the provisions of subsection (a) of this section may file a notice of claim under oath

for the return of any property, or the net proceeds thereof, vested in a designee of the President pursuant to section 1631a(a) of this title and held by such designee. Such notice of claim shall be filed with said designee and in such form and containing such particulars as said designee shall require. Said designee may return any property so claimed, or the net proceeds thereof, whenever he shall determine—

(1) that the claimant is a person other than Bulgaria, Hungary, or Rumania, or a national thereof as defined in Executive Order 8389 of April 10, 1940, as amended; and

(2) that the claimant was the owner of such property immediately prior to its vesting, or is the successor in interest of such owner by inheritance, devise, or bequest.

Any person whose claim is finally denied in whole or in part by said designee may obtain review of such denial by filing a petition therefor in the United States Court of Appeals for the District of Columbia Circuit. Such petition for review must be filed within sixty days after the date of mailing of the final order of denial by said designee and a copy shall forthwith be transmitted to the said designee by the clerk of the court. Within forty-five days after receipt of such petition for review, or within such further time as the court may grant for good cause shown, said designee shall file an answer thereto, and shall file with the court the record of the proceedings with respect to such claim, as provided in section 2112 of title 28. The court may enter judgment affirming the order of the designee; or, upon finding that such order is not in accordance with law or that any material findings upon which such order is based are unsupported by substantial evidence, may enter judgment modifying or setting aside the order in whole or in part, and (1) directing a return of all or part of the property claimed, or (2) remanding the claim for further administrative proceedings thereon. If a notice of claim is filed under this subsection, the property which is the subject of such claim, or, if liquidated, the net proceeds thereof, shall be retained in the custody of said designee until any final order of said designee or any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied, or until a final order of said designee or a final judgment or decree shall be entered against the claimant, or the claim or suit otherwise terminated.

(c) Exclusiveness of relief

The sole relief and remedy of any person having any claim to any property vested pursuant to section 1631a(a) of this title, except a person claiming under section 1631*o* of this title, shall be that provided by the terms of subsection (a) or (b) of this section, and in the event of the liquidation by sale or otherwise of such property, shall be limited to and enforced against the net proceeds received therefrom and held by the designee of the President. The claim of any person based on his ownership or shares of stock or other proprietary interest in a corporation which was the owner of property at the date of vesting thereof under section 1631a(a) of this title shall be allowable under subsection (a) or (b) of this section if 25 per centum or more of the outstanding capital stock or other proprietary interest in the corporation was owned at such date by nationals of countries other than Bulgaria, Hungary, Rumania, Germany, or Japan. But no such claims of a national of a foreign country shall be satisfied except after certification by the Department of State that the country of the national accords protection to nationals of the United States in similar types of case.

(d) Recovery for conservation, preservation or maintenance of property

The designee of the President may retain or recover from any property, or the net proceeds thereof, returned pursuant to subsection (a) or (b) of this section an amount not exceeding that expended or incurred by him for the conservation, preservation, or maintenance of such property or proceeds.

(Mar. 10, 1950, ch. 54, title II, § 207, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 564, and amended Aug. 28, 1958, Pub. L. 85-791, § 33, 72 Stat. 951; July 24, 1968, Pub. L. 90-421, § 1(6), 82 Stat. 421.)

REFERENCES IN TEXT

Executive Order 8389 of Apr. 10, 1940, referred to in subsecs. (a)(1) and (b)(1), is Ex. Ord. 8389 Apr. 10, 1940 5 F.R. 1400, which is set out under section 95a of Title 12, Banks and Banking.

AMENDMENTS

1968—Subsec. (c). Pub. L. 90-421 added ", except a person claiming under section 1631*o* of this title," following "pursuant to section 1631a(a) of this title".

1958—Subsec. (b). Pub. L. 85-791, in fifth sentence, substituted "shall forthwith be transmitted to the said designee by the clerk of the court" for "must be served on the said designee", and in sixth sentence, substituted "receipt" for "service" and substituted "file with the court the record of the proceedings with respect to such claim, as provided in section 2112 of title 28" for "certify and file with the court a transcript of the entire record of the proceedings with respect to such claim".

FEDERAL RULES OF CIVIL PROCEDURE

One form of action, see rule 2, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1631a, 1631h, 1631i, 1631k, 1631*l*, 1631*o* of this title.

§ 1631g. Payment of debts

(a) Claims allowable; defenses

Any property vested in the designee of the President pursuant to section 1631a(a) of this title, or the net proceeds thereof, shall be equitably applied by such designee in accordance with this section to the payment of debts owed by the person who owned such property immediately prior to its vesting in such designee. No debt claim shall be allowed under this section—

(1) if it is asserted against Bulgaria, Hungary, or Rumania (including the government or any political subdivisions, agencies, or instrumentalities thereof); or

(2) if it is based upon an obligation expressed or payable in any currency other than the currency of the United States; or

(3) if it was not due and owing—

(A) on October 9, 1940, in the event the property in respect of which such debt

claim is filed was owned immediately prior to vesting by a national of Rumania;

(B) on March 4, 1941, in the event the property in respect of which such debt claim is filed was owned immediately prior to vesting by a national of Bulgaria; or

(C) on March 13, 1941, in the event that the property in respect of which such debt claim is filed was owned immediately prior to vesting by a national of Hungary.

Any defense to the payment of such claim which would have been available to the debtor shall be available to the designee, except that the period from and after December 7, 1941, shall not be included for the purpose of determining the applicability of any statute of limitations. Debt claims allowable under this section shall include only those of natural persons who were citizens of the United States at the dates their debtors became obligated to them; those of other natural persons who are and have been continuously since December 7, 1941, residents of the United States; those of corporations organized under the laws of the United States or any State, Territory, or possession thereof, or the District of Columbia; and those acquired by the designee of the President under this subchapter. Successors in interest by inheritance, devise, bequest, or operation of law of debt claimants, other than persons who would themselves be disqualified hereunder from allowance of a debt claim, shall be eligible for payment to the same extent as their principals or predecessors would have been.

(b) Time limit for filing claims; extension; notice

The designee of the President under this subchapter shall fix a date or dates after which the filing of debt claims in respect of any or all debtors shall be barred, and may extend the time so fixed, and shall give at least sixty days' notice thereof by publication in the Federal Register. In no event shall the time extend beyond the expiration of one year from the date of the last vesting in the designee of the President of any property of a debtor in respect to whose debts the date is fixed. No debt shall be paid prior to the expiration of one hundred and twenty days after publication of the first such notice in respect of the debtor, nor in any event shall any payment of a debt claim be made out of any property or proceeds in respect of which a suit or proceeding for return pursuant to this subchapter is pending.

(c) Examination of claims; finality of determination

The designee shall examine the claims, and such evidence in respect thereof as may be presented to him or as he may introduce into the record, and shall make a determination, with respect to each claim, of allowance or disallowance, in whole or in part. The determination of the designee that a claim is within either paragraph (1) or (2) of subsection (a) of this section shall be final and shall not be subject to judicial review and such claim shall not be considered a debt claim for any purpose under this section.

(d) Fund for debt payments

Payment of debt claims shall be made only out of such money included in, or received as net proceeds from the sale, use, or other disposition of, any property owned by the debtor immediately prior to its vesting in the designee of the President, as shall remain after deduction of (1) the amount of the expenses of the designee (including both expenses in connection with such property or proceeds thereof, and such portion as the designee shall fix of his other expenses), and of taxes, as defined in section 1631k of this title, paid by the designee in respect of such property or proceeds; and (2) such amount, if any, as the designee may establish as a cash reserve for the future payment of such expenses and taxes. If the money available hereunder for the payment of debt claims against the debtor is insufficient for the satisfaction of all claims allowed by the designee, ratable payments shall be made in accordance with subsection (g) of this section to the extent permitted by the money available and additional payments shall be made whenever the designee shall determine that substantial further money has become available, through liquidation of any such property or otherwise. The designee shall not be required, through any judgment of any court, levy of execution, or otherwise, to sell or liquidate any property vested in him, for the purpose of paying or satisfying any debt claim.

(e) Amount payable; disallowance; notice; review; additional evidence; judgment

If the aggregate of debt claims filed as prescribed does not exceed the money from which, in accordance with subsection (d) of this section, payment may be made, the designee shall pay each claim to the extent allowed, and shall serve by registered mail, on each claimant whose claim is disallowed in whole or in part, a notice of such disallowance. Within sixty days after the date of mailing of the designee's determination, any debt claimant whose claim has been disallowed in whole or in part may file in the District Court of the United States for the District of Columbia a complaint for review of such disallowance naming the designee as defendant. Such complaint shall be served on the designee. The designee, within forty-five days after service on him, shall certify and file in said court a transcript of the record of proceedings with respect to the claim in question. Upon good cause shown such time may be extended by the court. Such record shall include the claim as filed, such evidence with respect thereto as may have been presented to the designee or introduced into the record by him, and the determination of the designee with respect thereto, including any findings made by him. The court may, in its discretion, take additional evidence, upon a showing that such evidence was offered to and excluded by the designee, or could not reasonably have been adduced before him or was not available to him. The court shall enter judgment affirming, modifying, or reversing the designee's determination, and directing payment in the amount, if any, which it finds due.

(f) Schedule of debt claims allowed; notice; review; additional evidence; intervention; judgment

If the aggregate of debt claims filed as prescribed exceeds the money from which, in accordance with subsection (d) of this section, payment may be made, the designee shall prepare and serve by registered mail on all claim-

ants a schedule of all debt claims allowed and the proposed payment to each claimant. In preparing such schedule, the designee shall assign priorities in accordance with subsection (g) of this section. Within sixty days after the date of mailing of such schedule, any claimant considering himself aggrieved may file in the District Court of the United States for the District of Columbia a complaint for review of such schedule, naming the designee as defendant. A copy of such complaint shall be served upon the designee and on each claimant named in the schedule. The designee within forty-five days after service on him, shall certify and file in said court a transcript of the record of proceedings with respect to such schedule. Upon good cause shown such time may be extended by the court. Such record shall include the claims in question as filed, such evidence with respect thereto as may have been presented to the designee or introduced into the record by him, any findings or other determinations made by the designee with respect thereto, and the schedule prepared by the designee. The court may, in its discretion, take additional evidence, upon a showing that such evidence was offered to and excluded by the designee or could not reasonably have been adduced before him or was not available to him. Any interested debt claimant who has filed a claim with the designee pursuant to this section, upon timely application to the court, shall be permitted to intervene in such review proceedings. The court shall enter judgment affirming or modifying the schedule as prepared by the designee and directing payment, if any be found due, pursuant to the schedule as affirmed or modified and to the extent of the money from which, in accordance with subsection (d) of this section, payment may be made. Pending the decision of the court on such complaint for review, and pending final determination of any appeal from such decision, payment may be made only to an extent, if any, consistent with the contentions of all claimants for review.

(g) Priority of claims

Debt claims shall be paid in the following order of priority: (1) Wage and salary claims, not to exceed $600; (2) claims entitled to priority under sections 191 and 193 of title 31, except as provided in subsection (h) of this section; (3) all other claims for services rendered; for expenses incurred in connection with such services, for rent, for goods and materials delivered to the debtor, and for payments made to the debtor for goods or services not received by the claimant; (4) all other debt claims. No payment shall be made to claimants within a subordinate class unless the money from which, in accordance with subsection (d) of this section, payment may be made permits payment in full of all allowed claims in every prior class.

(h) Priority as debt due United States

No debt of any kind shall be entitled to priority under any law of the United States or any State, Territory, or possession thereof, or the District of Columbia, solely by reason of becoming a debt due or owing to the United States as a result of its acquisition by the designee of the President under this subchapter.

(i) Exclusiveness of relief

The sole relief and remedy available to any person seeking satisfaction of a debt claim out of any property vested in the designee under section 1631a(a) of this title, or the proceeds thereof, shall be the relief and remedy provided in this section, and suits for the satisfaction of debt claims shall not be instituted, prosecuted, or further maintained except in conformity with this section. No person asserting any interest, right, or title in any property or proceeds acquired by the designee shall be barred from proceeding pursuant to this subchapter for the return thereof, by reason of any proceeding which he may have brought pursuant to this section; nor shall any security interest asserted by the creditor in any such property or proceeds be deemed to have been waived solely by reason of such proceeding. Nothing contained in this section shall bar any person from the prosecution of any suit at law or in equity against the original debtor or against any other person who may be liable for the payment of any debt for which a claim might have been filed hereunder. No purchaser, lessee, licensee, or other transferee of any property from the designee shall, solely by reason of such purchase, lease, license, or transfer, become liable for the payment of any debt owed by the person who owned such property prior to its vesting in the designee. Payment by the designee to any debt claimant shall constitute, to the extent of payment, a discharge of the indebtedness represented by the claim.

(Mar. 10, 1950, ch. 54, title II, § 208, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 565.)

FEDERAL RULES OF CIVIL PROCEDURE

Intervention, see rule 24, Title 28, Appendix, Judiciary and Judicial Procedure.

One form of action, see rule 2.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1631a, 1631h, 1631*l* of this title.

§ 1631h. Hearings on claims; rules and regulations; delegation of powers

The officer or agency designated by the President under this subchapter to entertain claims under sections 1631f(b) and 1631g of this title shall have power to hold such hearings as may be deemed necessary; to prescribe rules and regulations governing the form and contents of claims, the proof thereof, and all other matters related to proceedings on such claims; and in connection with such proceedings to issue subpenas, administer oaths, and examine witnesses. Such powers, and any other powers conferred upon such officer or agency by sections 1631f(b) and 1631g of this title may be exercised through subordinate officers designated by such officer or agency.

(Mar. 10, 1950, ch. 54, title II, § 209, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 568.)

§ 1631i. Limitations

No suit may be instituted pursuant to section 1631f(a) of this title after the expiration of one year from the date of vesting of the property in respect of which relief is sought. No return may

be made pursuant to section 1631f(b) of this title unless notice of claim has been filed within one year from the date of vesting of the property in respect of which the claim is filed.

(Mar. 10, 1950, ch. 54, title II, § 210, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 568.)

§ 1631j. Fees of agents, attorneys, or representatives

No property or proceeds shall be returned under this subchapter, nor shall any payment be made or judgment awarded in respect of any property vested in any officer or agency designated by the President under this subchapter unless satisfactory evidence is furnished to said designee, or the court, as the case may be, that the aggregate of the fees to be paid to all agents, attorneys at law or in fact, or representatives, for services rendered in connection with such return or payment or judgment does not exceed 10 per centum of the value of such property or proceeds or of such payment. Any agent, attorney at law or in fact, or representative, believing that the aggregate of the fees should be in excess of such 10 per centum may, in the case of any return of, or the making of any payment in respect of, such property or proceeds by the President or such officer or agency as he may designate, petition the district court of the United States for the district in which he resides for an order authorizing fees in excess of 10 per centum and shall name such officer or agency as respondent. The court hearing such petition or a court awarding any judgment in respect of any such property or proceeds, as the case may be, shall approve an aggregate of fees in excess of 10 per centum of the value of such property or proceeds only upon a finding that there exist special circumstances of unusual hardship which require the payment of such excess. Any person accepting any fee in excess of an amount approved under this section, or retaining for more than thirty days any portion of a fee, accepted prior to such approval, in excess of the fee as approved, shall be guilty of a violation of this subchapter.

(Mar. 10, 1950, ch. 54, title II, § 211, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 568.)

§ 1631k. Taxes

(a) Liability

The vesting in any officer or agency designated by the President under this subchapter of any property or the receipt by such designee of any earnings, increment, or proceeds thereof shall not render inapplicable any Federal, State, Territorial, or local tax for any period before or after such vesting.

(b) Payment by designee; liability of former owner; enforcement of tax liability; transfer of property

The officer or agency designated by the President under this subchapter shall, notwithstanding the filing of any claim or the institution of any suit under this subchapter, pay any tax incident to any such property, or the earnings, increment, or proceeds thereof, at the earliest time appearing to him to be not contrary to the interest of the United States. The former owner shall not be liable for any such tax accruing while such property, earnings, increment, or proceeds are held by such designee, unless they are returned pursuant to this subchapter without payment of such tax by the designee. Every such tax shall be paid by the designee to the same extent, as nearly as may be deemed practicable, as though the property had not been vested, and shall be paid only out of the property, or earnings, increment, or proceeds thereof, to which they are incident or out of other property acquired from the same former owner, or earnings, increment, or proceeds thereof. No tax liability may be enforced from any property or the earnings, increment, or proceeds thereof while held by the designee except with his consent. Where any property is transferred, otherwise than pursuant to section 1631f(a) or 1631f(b) of this title, the designee may transfer the property free and clear of any tax, except to the extent of any lien for a tax existing and perfected at the date of vesting, and the proceeds of such transfer shall, for tax purposes, replace the property in the hands of the designee.

(c) Computation; suspension of limitations

Subject to the provisions of subsection (b) of this section, the manner of computing any Federal taxes, including without limitation by reason of this enumeration, the applicability in such computation of credits, deductions, and exemptions to which the former owner is or would be entitled, and the time and manner of any payment of such taxes and the extent of any compliance by the designee with provisions of Federal law and regulations applicable with respect to Federal taxes, shall be in accordance with regulations prescribed by the Secretary of the Treasury to effectuate this section. Statutes of limitations on assessments, collection, refund, or credit of Federal taxes shall be suspended with respect to any vested property or the earnings, increment, or proceeds thereof, while vested and for six months thereafter; but no interest shall be paid upon any refund with respect to any period during which the statute of limitations is so suspended.

(d) Definition

The word "tax" as used in this section shall include, without limitation by reason of this enumeration, any property, income, excess-profits, war-profits, excise, estate, and employment tax, import duty, and special assessment; and also any interest, penalty, additional amount, or addition thereto not arising from any act, omission, neglect, failure, or delay on the part of the designee.

(Mar. 10, 1950, ch. 54, title II, § 212, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 569.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1631g of this title.

§ 1631*l*. Determination of expenses and time for filing suit, notice of claim and debt claim

Prior to covering the net proceeds of liquidation of any property into the Treasury pursuant to section 1631a(a) of this title, the designee of the President under this subchapter shall determine—

(1) the amount of his administrative expenses attributable to the performance of his functions under this subchapter with respect

to such property and the proceeds thereof. The amount so determined, together with an amount not exceeding that expended or incurred for the conservation, preservation, or maintenance of such property and the proceeds thereof, and for taxes in respect of same, shall be deducted and retained by the designee from the proceeds otherwise covered into the Treasury; and

(2) that the time for the institution of a suit under section 1631f(a) of this title, for the filing of a notice of claim under section 1631f(b) of this title, and for the filing of debt claims under section 1631g of this title has elapsed.

The determinations of the designee under this section shall be final and conclusive.

(Mar. 10, 1950, ch. 54, title II, § 213, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 570.)

§ 1631m. Lien, attachment, garnishment, etc., of transferred property

No property conveyed, transferred, assigned, delivered, or paid to the designee of the President under this subchapter, or the net proceeds thereof, shall be liable to lien, attachment, garnishment, trustee process, or execution, or subject to any order or decree of any court, except as provided in this subchapter.

(Mar. 10, 1950, ch. 54, title II, § 214, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 570.)

§ 1631n. Penalties

Whoever shall willfully violate any provision of this subchapter or any rule or regulation issued hereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President or of a designee of the President under this subchapter, issued in compliance with the provisions of this subchapter shall be fined not more than $5,000, or, if a natural person, imprisoned for not more than five years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both.

(Mar. 10, 1950, ch. 54, title II, § 215, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 570.)

Cross References

Offenses classified, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 1631o. Eligibility for return of interest in property

(a) Persons eligible; determination; prerequisites

Notwithstanding any other provision of this chapter or any provision of the Trading With the Enemy Act, as amended, any person (1) who was formerly a national of Bulgaria, Hungary, or Rumania, and (2) who, as a consequence of any law, decree, or regulation of the nation of which he was a national discriminating against political, racial or religious groups, at no time between December 7, 1941, and the time when such law, decree, or regulation was abrogated enjoyed full rights of citizenship under the law of such nation, shall be eligible hereunder to receive the return of this interest in property which was vested under section 1631a(a) of this title or under the Trading With the Enemy Act, as amended, as the property of a corporation organized under the laws of Bulgaria, Hungary, or Rumania if 25 per centum or more of the outstanding capital stock of such corporation was owned at the date of vesting by such persons and nationals of countries other than Bulgaria, Hungary, Rumania, Germany, or Japan, or if such corporation was subjected after December 7, 1941, under the laws of its country, to special wartime measures directed against it because of the enemy character of some or all of its stockholders; and no certificate by the Department of State as provided under section 1631f(c) of this title shall be required for such persons.

(b) Notice of claim; time of claim; fund for payment

An interest in property vested under the Trading With the Enemy Act, as amended, as the property of a corporation organized under the laws of Bulgaria, Hungary, or Rumania shall be subject to return under subsection (a) of this section only if a notice of claim for the return of any such interest has been timely filed under the provisions of section 33 of Title 50 Appendix, provided that application may be made therefore within six months after July 24, 1968. In the event such interest has been liquidated and the net proceeds thereof transferred to the Bulgarian Claims Fund, Hungarian Claims Fund, or Rumanian Claims Fund, the net proceeds of any other interest representing vested property held in the United States Treasury may be used for the purpose of making the return hereunder.

(c) Finality of determination

Determinations by the designee of the President or any other officer or agency with respect to claims under this section, including the allowance or disallowance thereof, shall be final and shall not be subject to review by any court.

(Mar. 10, 1950, ch. 54, title II, § 216, as added July 24, 1968, Pub. L. 90-421, § 1(7), 82 Stat. 421.)

References in Text

The Trading With the Enemy Act, as amended, referred to in subsecs. (a) and (b), is act Oct. 6, 1917, ch. 106, 40 Stat. 411, as amended, which is classified to sections 1 to 6, 7 to 39 and 41 to 44 of Title 50, Appendix, War and National Defense. For complete classification of this Act to the Code, see Tables volume.

Section Referred to in Other Sections

This section is referred to in section 1631f of this title.

SUBCHAPTER III—CLAIMS AGAINST BULGARIA, HUNGARY, RUMANIA, ITALY, AND THE SOVIET UNION

Subchapter Referred to in Other Sections

This subchapter is referred to in section 1642h of this title; title 50 App. section 2017g.

§ 1641. Definitions

As used in this subchapter the term—

(1) "Person" means a natural person, partnership, association, other unincorporated body, corporation, or body politic.

(2) "National of the United States" means (A) a natural person who is a citizen of the United States, or who owes permanent alle-

giance to the United States, and (B) a corporation or other legal entity which is organized under the laws of the United States, any State or Territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 per centum of the outstanding capital stock or other beneficial interest in such legal entity. It does not include aliens.

(3) "Treaty of peace," with respect to a country, means the treaty of peace with that country signed at Paris, France, February 10, 1947, which came into force between that country and the United States on September 15, 1947.

(4) "Memorandum of Understanding" means the Memorandum of Understanding between the United States and Italy regarding Italian assets in the United States and certain claims of nationals of the United States, signed at Washington, District of Columbia, August 14, 1947 (61 Stat. 3962).

(5) "Soviet Government" means the Union of Soviet Socialist Republics, including any of its present or former constituent republics, other political subdivisions, and any territories thereof, as constituted on or prior to November 16, 1933.

(6) "Litvinov Assignment" means (A) the communication dated November 16, 1933, from Maxim Litvinov to President Franklin D. Roosevelt, wherein the Soviet Government, assigned to the Government of the United States amounts admitted or found to be due it as the successor of prior governments of Russia, or otherwise, preparatory to a final settlement of the claims outstanding between the two Governments and the claims of their nationals; (B) the communication dated November 16, 1933, from President Franklin D. Roosevelt to Maxim Litvinov, accepting such assignment; and (C) the assignments executed by Serge Ughet on August 25, 1933, and November 15, 1933, assigning certain assets to the Government of the United States.

(7) "Russian national" includes any corporation or business association organized under the laws, decrees, ordinances, or acts of the former Empire of Russia or of any government successor thereto, and subsequently nationalized or dissolved or whose assets were taken over by the Soviet Government or which was merged with any other corporation or organization by the Soviet Government.

(8) "Commission" means the Foreign Claims Settlement Commission of the United States, established pursuant to Reorganization Plan Numbered 1 of 1954 (68 Stat. 1279).

(9) "Property" means any property, right, or interest.

(Mar. 10, 1950, ch. 54, title III, § 301, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 570.)

REFERENCES IN TEXT

Reorganization Plan Numbered 1 of 1954, referred to in par. (8), is Reorg. Plan No. 1 of 1954, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, which is set out as a note under section 1622 of this title.

§ 1641a. Claims funds

(a) Establishment; coverage into Treasury; deduction

There are created in the Treasury of the United States five funds to be known as the Bulgarian Claims Fund, the Hungarian Claims Fund, the Rumanian Claims Fund, the Italian Claims Fund, and the Soviet Claims Fund. The Secretary of the Treasury shall cover into each of the Hungarian, Rumanian, and Bulgarian Claims Funds, the funds attributable to the respective country or its nationals covered into the Treasury pursuant to subsections (a) and (b) of section 1631a of this title. The Secretary of the Treasury shall cover into the Italian Claims Fund the sum of $5,000,000 paid to the United States by the Government of Italy pursuant to article II of the Memorandum of Understanding. The Secretary shall cover into the Treasury the funds collected by the United States pursuant to the Litvinov Assignment (including postal funds due prior to November 16, 1933, to the Union of Soviet Socialist Republics because of money orders certified to that country for payment) and shall cover into the Soviet Claims Fund the funds so covered into the Treasury. The Secretary shall deduct from each claims fund 5 per centum thereof as reimbursement to the Government of the United States for the expenses incurred by the Commission and by the Treasury Department in the administration of this subchapter. Such deduction shall be made before any payment is made out of such fund under section 1641i of this title. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

(b) Bulgarian and Rumanian fund

The Secretary of the Treasury shall cover into each of the Bulgarian and Rumanian Claims Funds such sums as may be paid by the Government of the respective country pursuant to the terms of any claims settlement agreement between the Government of the United States and the Government of such country.

(c) Hungarian fund

The Secretary of the Treasury shall cover into the Hungarian Claims Fund, such sums as may be paid to the United States by the Government of Hungary pursuant to the terms of the United States Hungarian Claims Agreement of March 6, 1973.

(Mar. 10, 1950, ch. 54, title III, § 302, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 571, and amended July 24, 1968, Pub. L. 90-421, § 1(8), 82 Stat. 422; Oct. 20, 1974, Pub. L. 93-460, § 1(1), 88 Stat. 1386.)

AMENDMENTS

1974—Subsec. (c). Pub. L. 93-460 added subsec. (c).

1968—Pub. L. 90-421 designated existing provisions as subsec. (a) and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1641c, 1641h of this title.

§ 1641b. Claims of nationals of the United States; against Bulgaria, Hungary, and Rumania

The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and

amounts of claims of nationals of the United States against the Governments of Bulgaria, Hungary, and Rumania, or any of them, arising out of the failure to—

(1) restore or pay compensation for property of nationals of the United States as required by article 23 of the treaty of peace with Bulgaria, articles 26 and 27 of the treaty of peace with Hungary, and articles 24 and 25 of the treaty of peace with Rumania. Awards under this paragraph shall be in amounts not to exceed two-thirds of the loss or damage actually sustained;

(2) pay effective compensation for the nationalization, compulsory liquidation, or other taking, prior to August 9, 1955, of property of nationals of the United States in Bulgaria, Hungary, and Rumania;

(3) meet obligations expressed in currency of the United States arising out of contractual or other rights acquired by nationals of the United States prior to April 24, 1941, in the case of Bulgaria, and prior to September 1, 1939, in the case of Hungary and Rumania, and which became payable prior to September 15, 1947;

(4) pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States in Bulgaria and Rumania, between August 9, 1955, and the effective date of the claims agreement between the respective country and the United States; and

(5) pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States in Hungary, between August 9, 1955, and the date the United States-Hungarian Claims Agreement of March 6, 1973, enters into force.

(Mar. 10, 1950, ch. 54, title III, § 303, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 571, and amended July 24, 1968, Pub. L. 90-421, § 1(9), (10), 82 Stat. 422; Oct. 20, 1974, Pub. L. 93-460, § 1(2), (3), 88 Stat. 1386.)

AMENDMENTS

1974—Par. (5). Pub. L. 93-460, § 1(3), added par. (5).
1968—Par. (4). Pub. L. 90-421, § 1(10), added par. (4).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1641e, 1641i, 1641*l*, 1641o of this title.

§ 1641c. Claims of nationals of the United States against Italy

(a) Claims not provided for in peace treaty

The Commission shall receive and determine, in accordance with the Memorandum of Understanding and applicable substantive law, including international law, the validity and amount of claims of nationals of the United States against the government of Italy arising out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, and with respect to which provision was not made in the treaty of peace with Italy. Upon payment of the principal amounts (without interest) of all awards from the Italian Claims Fund created pursuant to section 1641a of this title, the Commission shall determine the validity and amount of any claim under this section by any natural person who was a citizen of the United States on August 9, 1955 and shall, in the event an award is issued pursuant to such claim, certify the same to the Secretary of the Treasury for payment out of remaining balances in the Italian Claims Fund in accordance with the provisions of section 1641i of this title, notwithstanding that the period of time prescribed in section 1641o of this title for the settlement of all claims under this section may have expired.

(b) Individuals who fail to file claims

The Commission shall receive and determine, or redetermine, as the case may be, in accordance with applicable substantive law, including international law, the validity and amounts of claims owned by person who were eligible to file claims under the first sentence of subsection (a) of this section on August 9, 1955, but failed to file such claims, or, if they filed such claims, failed to file such claims within the limit of time required therefor: *Provided*, That no awards shall be made to persons who have received compensation in any amount pursuant to the treaty of peace with Italy, subsection (a) of this section, or section 2017a of title 50 Appendix.

(c) Territory ceded by Italy

The Commission shall receive and determine, or redetermine as the case may be, in accordance with applicable substantive law, including international law, the validity and amounts of claims owned by persons who were nationals of the United States on September 3, 1943, and July 24, 1968, against the Government of Italy which arose out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, in territory ceded by Italy pursuant to the treaty of peace with Italy: *Provided*, That no awards shall be made to persons who have received compensation in any amount pursuant to the treaty of peace with Italy or subsection (a) of this section.

(d) Time within which to file; publication in Federal Register

Within thirty days after July 24, 1968, or within thirty days after the date of enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under subsections (b) and (c) of this section, whichever date is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed with the Commission, which limit shall not be more than six months after such publication.

(e) Certification of awards

The Commission shall certify awards on claims determined pursuant to subsections (b) and (c) of this section to the Secretary of the Treasury for payment out of remaining balances in the Italian Claims Fund in accordance with the provisions of section 1641i of this title, after payment in full of all awards certified pursuant to subsection (a) of this section.

(f) Transfers from Italian Claims Fund to War Claims Fund

After payment in full of all awards certified to the Secretary of the Treasury pursuant to subsections (a) and (e) of this section, the Sec-

retary of the Treasury is authorized and directed to transfer the unobligated balance in the Italian Claims Fund into the War Claims Fund created by section 2012 of title 50 Appendix.

(Mar. 10, 1950, ch. 54, title III, § 304, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 572, and amended Aug. 8, 1958, Pub. L. 85-604, § 2, 72 Stat. 531; July 24, 1968, Pub. L. 90-421, § 1(11), 82 Stat. 422.)

AMENDMENTS

1968—Pub. L. 90-421 designated existing provisions as subsec. (a) and added subsecs. (b) to (f).

1958—Pub. L. 85-604 authorized the Commission to determine the validity and amount of claims by natural persons who were citizens of the United States on Aug. 9, 1955.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1641i, 1641o of this title.

§ 1641d. Claims of nationals of the United States against the Soviet Union

(a) Claims prior to November 16, 1933

The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of—

(1) claims of nationals of the United States against a Russian national originally accruing in favor of a national of the United States with respect to which a judgment was entered in, or a warrant of attachment issued from, any court of the United States or of a State of the United States in favor of a national of the United States, with which judgment or warrant of attachment a lien was obtained by a national of the United States, prior to November 16, 1933, upon any property in the United States which has been taken, collected, recovered, or liquidated by the Government of the United States pursuant to the Litvinov Assignment. Awards under this paragraph shall not exceed the proceeds of such property as may have been subject to the lien of the judgment or attachment; nor, in the event that such proceeds are less than the aggregate amount of all valid claims so related to the same property, exceed an amount equal to the proportion which each such claim bears to the total amount of such proceeds; and

(2) claims, arising prior to November 16, 1933, of nationals of the United States against the Soviet Government.

(b) Federal and State court judgments

Any judgment entered in any court of the United States or of a State of the United States shall be binding upon the Commission in its determination, under paragraph (1) of subsection (a) of this section, of any issue which was determined by the court in which the judgment was entered.

(c) Preferences

The Commission shall give preference to the disposition of the claims referred to in paragraph (1) of subsection (a) of this section, over all other claims presented to it under this subchapter.

(Mar. 10, 1950, ch. 54, title III, § 305, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 572.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1641e, 1641i, 1641*l*, 1641o of this title.

§ 1641e. Filing of claims; notice in Federal Register

(a) Time period

Within sixty days after August 9, 1955, or within sixty days after the date of enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraphs (1), (2), or (3) of section 1641b of this title, whichever date is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed under paragraphs (1), (2), or (3) of section 1641b of this title, which limit shall not be more than one year after such publication, except that with respect to claims under section 1641d of this title this limit shall not exceed six months.

(b) Property taken in Bulgaria and Rumania

Within thirty days after July 24, 1968, or the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (4) of section 1641b of this title, whichever is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed under paragraph (4) of section 1641b of this title, which limit shall not be more than six months after such publication.

(c) Property taken in Hungary

Within thirty days after October 20, 1974, or thirty days after enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (5) of section 1641b of this title, whichever date is later, the Commission shall publish in the Federal Register the time when, and the limit of time within which, claims may be filed with the Commission under paragraph (5) of section 1641b of this title, which limit shall not be more than six months after such publication.

(d) Failure to receive notice on Hungarian claims

Notwithstanding any other provision of this section, any national of the United States who was mailed notice by any department or agency of the Government of the United States with respect to filing a claim against the Government of Hungary arising out of any of the failures referred to in paragraph (1), (2), or (3) of section 1641b of this title, and who did not receive the notice as the result of administrative error in placing a nonexistent address on the notice, may file with the Commission a claim under any such paragraph. The Commission shall publish in the Federal Register, within thirty days after October 20, 1974, when the limit of time within which any such claim may be filed with the Commission, which limit shall not be more than six months after such publication.

(Mar. 10, 1950, ch. 54, title III, § 306, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 572, and

amended July 24, 1968, Pub. L. 90-421, § 1(12), 82 Stat. 423; Oct. 20, 1974, Pub. L. 93-460, § 1(4), 88 Stat. 1386.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-460, § 1(4)(A), substituted "paragraphs (1), (2), or (3) of section 1641b of this title" for "this subchapter".

Subsecs. (c), (d). Pub. L. 93-460, § 1(4)(B), added subsecs. (c) and (d).

1968—Pub. L. 90-421 designated existing provisions as subsec. (a) and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1641i, 1641o of this title.

§ 1641f. Amount of award

The amount of any award made pursuant to this subchapter based on a claim of a national of the United States other than the national of the United States to whom the claim originally accrued shall not exceed the amount of the actual consideration last paid therefor either prior to January 1, 1953, or between that date and the filing of the claim, whichever is less.

(Mar. 10, 1950, ch. 54, title III, § 307, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 573.)

§ 1641g. Certification of awards

The Commission shall as soon as possible, and in the order of the making of such awards, certify to the Secretary of the Treasury, in terms of United States currency, each award made pursuant to this subchapter.

(Mar. 10, 1950, ch. 54, title III, § 308, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 573.)

§ 1641h. Funds for payment of claims

All payments authorized under this subchapter shall be disbursed exclusively from the claims fund attributable to the country with respect to which the claims are allowed pursuant to this subchapter. All amounts covered into the Treasury to the credit of the claims funds created by section 1641a of this title permanently appropriated for the making of the payments authorized under this subchapter.

(Mar. 10, 1950, ch. 54, title III, § 309, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 573.)

§ 1641i. Payment of awards

(a) Manner of payment

The Secretary of the Treasury shall make payments on account of awards certified by the Commission pursuant to this subchapter as follows:

(1) Payment in full of the principal amount of each award made pursuant to section 1641d(a)(1) of this title and each award of $1,000 or less made pursuant to section 1641b or 1641c of this title;

(2) Payment in full of the principal amount of each award of $1,000 or less made pursuant to section 1641d(a)(2) of this title;

(3) Payment in the amount of $1,000 on account of the principal of each award of more than $1,000 in amount made pursuant to section 1641b, 1641c, or 1641d(a)(2) of this title;

(4) After completing the payments under the preceding paragraphs of this subsection from any one fund, payments from time to time, in ratable proportions, on account of the then unpaid principal of all awards in the principal amount of more than $1,000, according to the proportions which the unpaid principal of such awards bear to the total amount in the fund available for distribution on account of such awards at the time such payments are made;

(5) After payment has been made in full of the principal amounts of all awards from any one fund, pro rata payments from the remainder of such fund then available for distribution on account of accrued interest on such awards as bear interest;

(6) Whenever the Commission is authorized to settle claims by the enactment of paragraph (4) of section 1641b of this title with respect to Rumania and Bulgaria, no further payments shall be authorized by the Secretary of the Treasury on account of awards certified by the Commission pursuant to paragraph (1), (2), or (3) of section 1641b of this title of the Bulgarian or Rumanian Claims Funds, as the case may be, until payments on account of awards certified pursuant to paragraph (4) of section 1641b of this title with respect to such fund have been authorized in equal proportion to payments previously authorized on existing awards certified pursuant to paragraphs (1), (2), and (3) of section 1641b of this title.

(7)(A) Except as otherwise provided in subparagraph (D), whenever the Commission is authorized to settle claims by enactment of paragraph (5) of section 1641b of this title with respect to Hungary, no further payments shall be authorized by the Secretary of the Treasury on account of awards certified by the Commission under paragraphs (2) and (3) of section 1641b of this title out of the Hungarian Claims Fund until payments on account of awards certified under paragraph (5) of section 1641b of this title with respect to such fund have been authorized in equal proportions to payments previously authorized on existing awards certified under paragraphs (2) and (3) of section 1641b of this title.

(B) Except as otherwise provided in subparagraph (D), with respect to awards previously certified under paragraph (1) of section 1641b of this title, the Secretary of the Treasury shall not authorize any further payments until payments on account of awards certified under paragraphs (2), (3), and (5) of section 1641b of this title have been authorized in equal proportions to payments previously authorized on existing awards certified under paragraph (1) of section 1641b of this title.

(C) Except as otherwise provided in subparagraph (D), the Secretary of the Treasury shall not authorize any further payments on account of awards certified under paragraph (3) of section 1641b of this title based on Kingdom of Hungary bonds expressed in United States dollars or upon awards to Standstill creditors of Hungary that were the subject matter of the agreement of December 5, 1969, between the Government of Hungary and the American Committee for Standstill creditors of Hungary.

(D) No payments shall be authorized by the Secretary of the Treasury on account of awards certified by the Commission under paragraph (5) of section 1641b of this title, and no further payments shall be so authorized under paragraphs (1), (2), or (3) of section 1641b of this title (except payments certified as the result of claims filed under subsection (d) of section 1641e of this title), until payments on account of awards certified under such paragraphs (1), (2), and (3) as the result of a claims[1] filed under subsection (d) of section 1641e of this title have been authorized in equal proportions to payments previously authorized on existing awards certified under such paragraphs and arising out of claims filed other than under such subsection (d).

(E) The Secretary of the Treasury is authorized and directed to deduct the sum of $125,000 from the Hungarian Claims Fund and cover such amount into the Treasury to the credit of miscellaneous receipts in satisfaction of the claim of the United States referred to in article 2, paragraph 4 of the United States-Hungarian Claims Agreement of March 6, 1973. Such amount shall be deducted in annual installments over the period during which the Government of Hungary makes payments to the Government of the United States as provided in article 4 of the agreement.

(b) Regulations

Such payments, and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury shall prescribe.

(c) Definition

For the purposes of making any such payments, an "award" shall be deemed to mean the aggregate of all awards certified in favor of the same claimant and payable from the same fund.

(d) Consolidated award

With respect to any claim which, at the time of the award, is vested in persons other than the person to whom the claim originally accrued, the Commission may issue a consolidated award in favor of all claimants then entitled thereto, which award shall indicate the respective interests of such claimants therein; and all such claimants shall participate, in proportion to their indicated interests, in the payments provided by this section in all respects as if the award had been in favor of a single person.

(Mar. 10, 1950, ch. 54, title III, § 310, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 573, and amended July 24, 1968, Pub. l. 90-421, § 1(13), 82 Stat. 423; Oct. 20, 1974, Pub. L. 93-460, § 1(5), 88 Stat. 1386.)

AMENDMENTS

1974—Subsec. (a)(7). Pub. L. 93-460 added subsec. (a)(7).

1968—Subsec. (a)(6). Pub. L. 90-421 added subsec. (a)(6).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1641a, 1641c of this title.

[1] So in original.

§ 1641j. Claims by corporations or other legal entities

(a) If a corporation or other legal entity has a claim on which an award may be made under this subchapter, no award may be made to any other person under this subchapter with respect to such claim.

(b) A claim based upon an interest, direct or indirect, in a corporation or other legal entity which directly suffered the loss with respect to which the claim is asserted, but which was not a national of the United States at the time of the loss, shall be acted upon without regard to the nationality of such legal entity if at the time of the loss at least 25 per centum of the outstanding capital stock or other beneficial interest in such entity was owned, directly or indirectly, by natural persons who were nationals of the United States. This subsection shall not be construed so as to exclude from eligibility a claim based upon a direct ownership interest in a corporation, association, or other entity, or the property thereof, for loss by reason of the nationalization, compulsory liquidation, or other taking of such corporation, association, or other entity by the Governments of Bulgaria, Hungary, Italy, Rumania, or the Soviet Government. Any such claim may be allowed without regard to the per centum of ownership vested in the claimant.

(Mar. 10, 1950, ch. 54, title III, § 311, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 573, and amended Aug. 8, 1958, Pub. L. 85-604, § 3(a), 72 Stat. 531.)

AMENDMENTS

1958—Subsec. (b). Pub. L. 85-604 provided that it shall not be construed so as to exclude from eligibility a claim based upon a direct ownership interest in a corporation, association, or other entity, or the property thereof, for loss by reason of the nationalization, compulsory liquidation, or other taking, and permitted allowance of such claim without regard to the per centum of ownership vested in the claimant.

RECONSIDERATION OF CLAIMS

Section 3(b) of Pub. L. 85-604 provided that: "Any claim heretofore denied under subsection (b) of section 311 of the International Claims Settlement Act of 1949, as amended [subsec. (b) of this section], prior to the date of enactment of this section [August 8, 1958], shall be reconsidered by the Foreign Claims Settlement Commission solely to redetermine its validity and amount by reason of the amendments made by this section [to subsec. (b) of this section]."

§ 1641k. Prohibition against payment of award to collaborators or disloyal persons

No award shall be made under this subchapter to or for the benefit of any person who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any government hostile to the United States during World War II, or who has been convicted of a violation of any provision of chapter 115, of title 18, or of any other crime involving disloyalty to the United States.

(Mar. 10, 1950, ch. 54, title III, § 312, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 574.)

§ 1641*l*. Unpaid balance of claim; claims of United States unaffected

Payment of any award made pursuant to section 1641b or 1641d of this title shall not, unless such payment is for the full amount of the claim, as determined by the Commission to be valid, with respect to which the award is made, extinguish such claim, or be construed to have divested any claimant, or the United States on his behalf, of any rights against the appropriate foreign government or national for the unpaid balance of his claim or for restitution of his property. All awards or payments made pursuant to this subchapter shall be without prejudice to the claims of the United States against any foreign government.

(Mar. 10, 1950, ch. 54, title III, § 313, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 574.)

§ 1641m. Finality of action of Commission

The action of the Commission in allowing or denying any claim under this subchapter shall be final and conclusive on all questions of law and fact and not subject to review by any other official of the United States or by any court by mandamus or otherwise, and the Comptroller General shall allow credit in the accounts of any certifying or disbursing officer for payments in accordance with such action.

(Mar. 10, 1950, ch. 54, title III, § 314, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 574.)

FEDERAL RULES OF CIVIL PROCEDURE

Relief by action or motion instead of relief by mandamus, see rule 81, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 1641n. Appropriations

There are authorized to be appropriated such sums as may be necessary to enable the Commission and the Treasury Department to pay their administrative expenses incurred in carrying out their functions under this subchapter.

(Mar. 10, 1950, ch. 54, title III, § 315, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 574.)

§ 1641o. Time limitation on completion of affairs of Commission

(a) Claims against Russian nationals

The Commission shall complete its affairs in connection with the settlement of claims pursuant to section 1641d(a)(1) of this title not later than two years, and all other claims pursuant to this subchapter not later than four years, following August 9, 1955, or following the date of enactment of legislation making appropriations to the Commission for the payment of administrative expenses incurred in carrying out its functions under this subchapter, whichever date is later.

(b) Property taken in Bulgaria and Rumania; claims against Italy

The Commission shall complete its affairs in connection with the settlement of claims pursuant to paragraph (4) of section 1641b of this title and subsections (b) and (c) of section 1641c of this title not later than two years following July 24, 1968, or following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (4) of section 1641b of this title and subsections (b) and (c) of section 1641c of this title, whichever is later.

(c) Property taken in Hungary

The Commission shall complete its affairs in connection with the settlement of claims pursuant to paragraph (5) of section 1641b of this title not later than two years following the deadline established under subsection (c) of section 1641e of this title.

(Mar. 10, 1950, ch. 54, title III, § 316, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 574, and amended July 24, 1968, Pub. L. 90-421, § 1(14), 82 Stat. 423; Oct. 20, 1974, Pub. L. 93-460, § 1(6), 88 Stat. 1387.)

AMENDMENTS

1974—Subsec. (c). Pub. L. 93-460 added subsec. (c).
1968—Pub. L. 90-421 designated existing provisions as subsec. (a) and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1641c of this title.

§ 1641p. Fees of agents, attorneys, or representatives

(a) The total remuneration paid to all agents, attorneys-at-law or in fact, or representatives, for services rendered on behalf of any claimant in connection with any claim filed with the Commission shall not exceed 10 per centum of the total amount paid under this subchapter on account of such claim, or such greater amount as may be determined pursuant to subsection (b) of this section. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration which, together with all remuneration paid to other persons on account of such services and of which he has notice, is in excess of the maximum permitted by this section, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

(b) Not later than three months after the Commission has completed its affairs in connection with the settlement of all claims payable from the fund from which an award is payable, any agent, attorney-at-law or in fact, or representative who believes that the total remuneration for services rendered in connection with the claim upon which such award is made should exceed the maximum otherwise permitted by this section may, pursuant to such procedure as the Commission shall prescribe by regulation, petition the Commission for an order authorizing the payment of remuneration in excess of such maximum. The Commission shall issue such an order only upon a finding that there exist special circumstances of unusual hardship which require the payment of such excess; and such order shall state the amount of the excess which may so be paid. The determination of the Commission in ruling upon such petition shall be within the sole discretion of the Commission and shall not be subject to review by any court.

(Mar. 10, 1950, ch. 54, title III, § 317, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 574.)

CROSS REFERENCES

Offenses classified, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 1641q. Applicability of administrative provisions of subchapter I

The following provisions of subchapter I of this chapter shall be applicable to this subchapter: Subsections (b), (c), (d), (e), (h), and (j) of section 1623 of this title; and subsections (c), (d), (e), and (f) of section 1626 of this title.

(Mar. 10, 1950, ch. 54, title III, § 318, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 575.)

SUBCHAPTER IV—CLAIMS AGAINST CZECHOSLOVAKIA

§ 1642. Definitions

As used in this subchapter—

(1) "National of the United States" means (A) a natural person who is a citizen of the United States, or who owes permanent allegiance to the United States, and (B) a corporation or other legal entity which is organized under the laws of the United States, any State or Territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 per centum of the outstanding capital stock or other beneficial interest in such legal entity. It does not include aliens. (2) "Commission" means the Foreign Claims Settlement Commission of the United States, established, pursuant to Reorganization Plan Number 1 of 1954 (68 Stat. 1279). (3) "Property" means any property, right, or interest.

(Mar. 10, 1950, ch. 54, title IV, § 401, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 527.)

REFERENCES IN TEXT

Reorganization Plan Number 1 of 1954, (68 Stat. 1279), referred to in the text, is Reorg. Plan No. 1 of 1954, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, which is set out as a note under section 1622 of this title.

SEPARABILITY OF PROVISIONS

Section 4 of Pub. L. 85-604 provided that: "If any provision of this Act [adding this subchapter and amending sections 1641c and 1641j (b) of this title], or the application thereof to any person or circumstances, shall be held invalid, the remainder of the Act, or the application of such provision to other persons or circumstances, shall not be affected".

§ 1642a. Financial provisions

(a) Deposit of proceeds of certain property

The Secretary of the Treasury is directed to hold, in an account in the Treasury of the United States, the net proceeds of the sale of certain Czechoslovakian steel mill equipment heretofore blocked and sold in the United States by order of the Secretary of the Treasury under authority of Executive Order Numbered 9193, dated July 6, 1942 (7 F.R. 5205, July 9, 1942).

(b) Creation of Czechoslovakian Claims Fund

There is created in the Treasury of the United States a fund to be designated the Czechoslovakian Claims Fund, for the payment of unsatisfied claims of nationals of the United States against Czechoslovakia as authorized in this subchapter.

(c) Voluntary settlement and payment of claims of nationals of the United States

If, within one year following August 8, 1958, the Government of Czechoslovakia voluntarily settles with and pays to the Government of the United States a sum in payment of claims of United States nationals against Czechoslovakia, all moneys held pursuant to subsection (a) of this section shall be disposed of in accordance with the terms of the settlement agreement with Czechoslovakia and applicable provisions of this subchapter and the sum paid by Czechoslovakia shall be covered into the Czechoslovakian Claims Fund.

(d) Deposit of net proceeds into Fund

Upon the expiration of one year after August 8, 1958 if no settlement with Czechoslovakia of the type specified in subsection (c) of this section has occurred, all moneys held pursuant to subsection (a) of this section except amounts held in reserve pursuant to section 1642b of this title, shall be covered into the Czechoslovakian Claims Fund.

(e) Deductions for expenses

The Secretary of the Treasury shall deduct from the Czechoslovakian Claims Fund 5 per centum thereof as reimbursement to the Government of the United States for the expenses incurred by the Commission and by the Treasury Department in the administration of this subchapter. The amount so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

(f) Disposition of balance of Fund

After the deduction for administrative expenses pursuant to subsection (e) of this section, and after payment of awards certified pursuant to section 1642i of this title, the balance remaining in the Fund, if any, shall be paid to Czechoslovakia in accordance with instructions to be provided by the Secretary of State.

(Mar. 10, 1950, ch. 54, title IV, § 402, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 527.)

REFERENCES IN TEXT

Executive Order Numbered 9193, dated July 6, 1942 (7 F.R. 5205, July 9, 1942), referred to in subsec. (a), is Ex. Ord. No. 9193, July 6, 1942, 7 F.R. 5205, which amended Ex. Ord. No. 9095. Ex. Ord. No. 9095 is set out under section 6 of Title 50, Appendix, War and National Defense.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1642b of this title.

§ 1642b. Claims against United States; jurisdiction; limitation; preference; reserve fund

No judicial relief or remedy shall be available to any person asserting a claim against the United States or any officer or agent thereof with respect to any action taken under this subchapter, or any other claim for or on account of the property or proceeds described in section 1642a of this title, or for any other action taken with respect thereto except to the extent that the action complained of constitutes a taking of private property without just compensation, and to such extent the sole judicial relief and

remedy available shall be an action brought against the United States in the United States Court of Claims which action must be brought within one year of August 8, 1958, or it shall be forever barred; and any action so brought shall receive a preference over all actions which themselves are not given preference by statute. No other court shall have original jurisdiction to consider any such claim by mandamus or otherwise. If any action is brought pursuant to this section the Secretary of the Treasury shall set aside an appropriate reserve in the account containing the moneys held pursuant to subsection (a) of section 1642a of this title. Such reserve shall be retained pending a final determination of all issues raised in the action and recovery in any such action shall be limited to and paid out of the moneys so reserved. After a final determination of all issues raised in the action and payment of any judgment against the United States entered pursuant thereto, any balance no longer required to be held in reserve shall be disposed of in accordance with the provisions of subsection (d) of section 1642a of this title. Nothing in this section shall be construed to create (1) any liability against the United States for any action taken pursuant to section 1642c of this title, (2) any liability against the United States in favor of the Government of Czechoslovakia, any agency or instrumentality thereof or any person who is an assignee or successor in interest thereto, or (3) any other liability against the United States.

(Mar. 10, 1950, ch. 54, title IV, § 403, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 528.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1642a of this title.

§ 1642c. Determination of validity and amount of claims

The Commission shall determine in accordance with applicable substantive law, including international law, the validity and amount of claims by nationals of the United States against the Government of Czechoslovakia for losses resulting from the nationalization or other taking on and after January 1, 1945, of property including any rights or interests therein owned at the time by nationals of the United States, subject, however, to the terms and conditions of an applicable claims agreement, if any, concluded between the Governments of Czechoslovakia and the United States within one year following August 8, 1958. In making the determination with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission is authorized to accept the fair or proved value of the said property, right, or interest as of a time when the property or business enterprise taken, was last operated, used, managed or controlled by the national or nationals of the United States asserting the claim irrespective of whether such date is prior to the actual date of nationalization or taking by the Government of Czechoslovakia.

(Mar. 10, 1950, ch. 54, title IV, § 404, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 528.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1642b, 1642d, 1642e, 1642g, 1642h of this title.

§ 1642d. Nationality requirements

A claim under section 1642c of this title shall not be allowed unless the property upon which the claim is based was owned by a national of the United States on the date of nationalization or other taking thereof and unless the claim has been held by a national of the United States continuously thereafter until the date of filing with the Commission.

(Mar. 10, 1950, ch. 54, title IV, § 405, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 528.)

§ 1642e. Claims based on ownership interest in corporations or other legal entities

(a) Nationals of the United States

A claim under section 1642c of this title, based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall be denied.

(b) Direct ownership

A claim under section 1642c of this title, based upon a direct ownership interest in a corporation, association, or other entity for loss by reason of the nationalization or other taking of such corporation, association, or other entity, or the property thereof, shall be allowed, subject to other provisions of this subchapter, if such corporation, association, or other entity on the date of the nationalization or other taking was not a national of the United States, without regard to the per centum of ownership vested in the claimant in any such claim.

(c) Indirect ownership

A claim under section 1642c of this title, based upon an indirect ownership interest in a corporation, association, or other entity for loss by reason of the nationalization or other taking of such corporation, association, or other entity, or the property thereof, shall be allowed, subject to other provisions of this subchapter, only if at least 25 per centum of the entire ownership interest thereof at the time of such nationalization or other taking was vested in nationals of the United States.

(d) Computation of award

Any award on a claim under subsection (b) or (c) of this section shall be calculated on the basis of the total loss suffered by such corporation, association, or other entity, and shall bear the same proportion to such loss as the ownership interest of the claimant bears to the entire ownership interest thereof.

(Mar. 10, 1950, ch. 54, title IV, § 406, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 529.)

§ 1642f. Prevention of double benefits

In determining the amount of any award by the Commission there shall be deducted all amounts the claimant has received from any source on account of the same loss or losses with respect to which such award is made.

(Mar. 10, 1950, ch. 54, title, IV, § 407, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 529.)

§ 1642g. Consolidated awards

With respect to any claim under section 1642c of this title which, at the time of the award, is vested in persons other than the person by whom the loss was sustained, the Commission may issue a consolidated award in favor of all claimants then entitled thereto, which award shall indicate the respective interests of such claimants therein, and all such claimants shall participate, in proportion to their indicated interests, in the payments authorized by this subchapter in all respects as if the award had been in favor of a single person.

(Mar. 10, 1950, ch. 54, title IV, § 408, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 529.)

§ 1642h. Prohibition against payment of award to certain persons

No award shall be made on any claim under section 1642c of this title to or for the benefit of (1) any person who has been convicted of a violation of any provision of chapter 115 of title 18, or of any other crime involving disloyalty to the United States, or (2) any claimant whose claim under this subchapter is within the scope of subchapter III of this chapter.

(Mar. 10, 1950, ch. 54, title IV, § 409, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 529.)

§ 1642i. Certification of awards

The Commission shall certify to the Secretary of the Treasury, in terms of United States currency, each award made pursuant to this subchapter.

(Mar. 10, 1950, ch. 54, title IV, § 410, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 529.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1642a of this title.

§ 1642j. Time for filing of claims; notice

Within sixty days after August 8, 1968, or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this subchapter, whichever date is later, the Commission shall give public notice by publication in the Federal Register of the time when, and the limit of time within which claims may be filed, which limit shall not be more than twelve months after such publication.

(Mar. 10, 1950, ch. 54, title IV, § 411, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 529.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1642k of this title.

§ 1642k. Time limitation on completion of affairs of Commission

The Commission shall complete its affairs in connection with the settlement of claims pursuant to this subchapter not later than three years following the final date for the filing of claims as provided in section 1642j of this title or following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this subchapter, whichever date is later.

(Mar. 10, 1950, ch. 54, title IV, § 412, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 529.)

§ 1642l. Payment of awards

(a) Manner of payment

The Secretary of the Treasury is authorized and directed, out of the sums covered into the Czechoslovakian Claims Fund, to make payments on account of awards certified by the Commission pursuant to this subchapter as follows and in the following order of priority:

(1) Payment in the amount of $1,000 or in the amount of the award, whichever is less.

(2) Thereafter, payments from time to time on account of the unpaid balance of each remaining award made pursuant to this subchapter which shall bear to such unpaid balance the same proportion as the total amount in the fund available for distribution at the time such payments are made bears to the aggregate unpaid balance of all such awards.

(b) Regulations

Such payments, and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury shall prescribe.

(c) Definition

For the purpose of making any such payments, an "award" shall be deemed to mean the aggregate of all awards certified in favor of the same claimant.

(d) Payment of interest of deceased persons or persons under legal disability

If any person to whom any payment is to be made pursuant to this subchapter is deceased or is under a legal disability, payment shall be made to his legal representative, except that if any payment to be made is not over $1,000 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Comptroller General to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates.

(e) Partial payments

Subject to the provisions of any claims agreement hereafter concluded between the Governments of Czechoslovakia and the United States, payment of any award pursuant to this subchapter shall not, unless such payment is for the full amount of the claim, as determined by the Commission to be valid, with respect to which the award is made, extinguish such claim, or be construed to have divested any claimant, or the United States on his behalf, of any rights against any foreign government for the unpaid balance of his claim.

(Mar. 10, 1950, ch. 54, title IV, § 413, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 530.)

§ 1642m. Fees of attorneys; limitation; penalty

No remuneration on account of services rendered on behalf of any claimant in connection with any claim filed with the Commission under this subchapter shall exceed 10 per centum of the total amount paid pursuant to any award certified under the provisions of this

subchapter on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

(Mar. 10, 1950, ch. 54, title IV, § 414, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 530.)

§ 1642n. Transfer of records

The Secretary of State is authorized and directed to transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this subchapter as may be required by the Commission in carrying out its functions under this subchapter.

(Mar. 10, 1950, ch. 54, title IV, § 415, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 530.)

§ 1642o. Applicability of administrative provisions of subchapter I

To the extent they are not inconsistent with the provisions of this subchapter, the following provisions of subchapter I of this chapter shall be applicable to this subchapter: Subsections (b), (c), (d), (e), (h), and (j) of section 1623 of this title; subsections (c), (d), (e), and (f) of section 1626 of this title.

(Mar. 10, 1950, ch. 54, title IV, § 416, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 530.)

§ 1642p. Authorization of Appropriations

There are authorized to be appropriated such sums as may be necessary to enable the Commission and the Treasury Department to pay their administrative expenses incurred in carrying out their functions under this subchapter.

(Mar. 10, 1950, ch. 54, title IV, § 417, as added Aug. 8, 1958, Pub. L. 85-604, § 1, 72 Stat. 530.)

SUBCHAPTER V—CLAIMS AGAINST CUBA AND CHINA

§ 1643. Congressional declaration of purpose

It is the purpose of this subchapter to provide for the determination of the amount and validity of claims against the Government of Cuba, or the Chinese Communist regime, which have arisen since January 1, 1959, in the case of claims against the Government of Cuba, or since October 1, 1949, in the case of claims against the Chinese Communist regime, out of nationalization, expropriation, intervention, or other takings of, or special measures directed against, property of nationals of the United States, and claims for disability or death of nationals of the United States arising out of violations of international law by the Government of Cuba, or the Chinese Communist regime, in order to obtain information concerning the total amount of such claims against the Government of Cuba, or the Chinese Communist regime, on behalf of nationals of the United States. This subchapter shall not be construed as authorizing an appropriation or as any intention to authorize an appropriation for the purpose of paying such claims.

(Mar. 10, 1950, ch. 54, title V, § 501, as added Oct. 16, 1964, Pub. L. 88-666, 78 Stat. 1110, and amended Oct. 19, 1965, Pub. L. 89-262, § 1, 79 Stat. 988; Nov. 6, 1966, Pub. L. 89-780, § 1, 80 Stat. 1365.)

AMENDMENTS

1966—Pub. L. 89-780 provided for applicability of section to the Chinese Communist regime in the case of claims which have arisen since October 1, 1949.

1965—Pub. L. 89-262 struck out "which have arisen out of debts for merchandise furnished or services rendered by nationals of the United States without regard to the date on which such merchandise was furnished or services were rendered or" following "Government of Cuba" in the first sentence.

SEPARABILITY OF PROVISIONS

Section 513 of act Mar. 10, 1950, as added by Pub. L. 88-666, provided that: "If any provision of this Act [adding this subchapter], or the application thereof to any person or circumstances, shall be held invalid, the remainder of the Act, or the application of such provision to other persons or circumstances, shall not be affected."

§ 1643a. Definitions

For the purposes of this subchapter:

(1) The term "national of the United States" means (A) a natural person who is a citizen of the United States, or (B) a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity. The term does not include aliens.

(2) The term "Commission" means the Foreign Claims Settlement Commission of the United States.

(3) The term "property" means any property, right or interest, including any leasehold interest, and debts owed by the Government of Cuba or the Chinese Communist regime or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba or the Chinese Communist regime and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba or the Chinese Communist regime.

(4) The term "Government of Cuba" includes the government of any political subdivision, agency, or instrumentality thereof.

(5) The term "Chinese Communist regime" means the so-called Peoples Republic of China, including any political subdivision, agency, or instrumentality thereof.

(Mar. 10, 1950, ch. 54, title V, § 502, as added Oct. 16, 1964, Pub. L. 88-666, 78 Stat. 1110, and amended Nov. 6, 1966, Pub. L. 89-780, § 2, 80 Stat. 1365.)

AMENDMENTS

1966—Par. (3). Pub. L. 89-780, § 2(1), inserted reference to the Chinese Communist regime in three instances.

Par. (5). Pub. L. 89-780, § 2(2), added par. (5).

§ 1643b. Receipt of claims; determination of amount and validity; claims for disability or death

(a) The Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba, or the Chinese Communist regime, arising since January 1, 1959, in the case of claims against the Government of Cuba, or since October 1, 1949, in the case of claims against the Chinese Communist regime, for losses resulting from the nationalization, expropriation, intervention, or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States if such claims are submitted to the Commission within such period specified by the Commission by notice published in the Federal Register (which period shall not be more than eighteen months after such publication) within sixty days after October 16, 1964, or sixty days after November 6, 1966, with respect to claims against the Chinese Communist regime, or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions with respect to each respective claims program authorized, under this subchapter, whichever date is later. In making the determination with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to, (i) fair market value, (ii) book value, (iii) going concern value, or (iv) cost of replacement.

(b) The Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba, or the Chinese Communist regime, arising since January 1, 1959, in the case of claims against the Government of Cuba, or since October 1, 1949, in the case of claims against the Chinese Communist regime, for disability or death resulting from actions taken by or under the authority of the Government of Cuba, or the Chinese Communist regime, if such claims are submitted to the Commission within the period established by the Commission under subsection (a) of this section, or within six months after the date the claims first arose (as determined by the Commission), whichever date last occurs.

(Mar. 10, 1950, ch. 54, title V, § 503, as added Oct. 16, 1964, Pub. L. 88-666, 78 Stat. 1110, and amended Oct. 19, 1965, Pub. L. 89-262, § 2, 79 Stat. 988; Nov. 6, 1966, Pub. L. 89-780, § 3, 80 Stat. 1365.)

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-780, § 3, empowered the Commission to receive claims against the Chinese Communist regime arising since October 1, 1949, if such claims are submitted within such period of time specified by the Commission by notice published in the Federal Register, which notice is required to be published within 60 days after November 6, 1966.

Subsec. (b). Pub. L. 89-780, § 3(1), (2), provided for applicability of subsection to the Chinese Communist regime in the case of claims arising since October 1, 1949.

1965—Subsec. (a). Pub. L. 89-262 struck out "arising out of debts for merchandise furnished or services rendered by nationals of the United States without regard to the date on which such merchandise was furnished or services rendered or" following "Government of Cuba".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1643c, 1643d of this title.

§ 1643c. Ownership of claims by nationals

(a) A claim shall not be considered under section 1643b(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

(b) A claim for disability under section 1643b(b) of this title may be considered if it is filed by the disabled person or by his successors in interest; and a claim for death under section 1643b(b) of this title may be considered if filed by the personal representative of decedent's estate or by a person or persons for pecuniary losses and damage sustained on account of such death. A claim shall not be considered under this section unless the disabled or deceased person was a national of the United States at the time of injury or death and if considered, shall be considered only to the extent the claim has been held by a national or nationals of the United States continuously until the date of filing with the Commission.

(Mar. 10, 1950, ch. 54, title V, § 504, as added Oct. 16, 1964, Pub. L. 88-666, 78 Stat. 1111.)

§ 1643d. Claims based on ownership interest in or debt or other obligations owing by corporations or other legal entities

(a) Nationals of the United States; charge on property

A claim under section 1643b(a) of this title based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall not be considered. A claim under section 1643b(a) of this title based upon a debt or other obligation owing by any corporation, association, or other entity organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico shall be considered, only when such debt or other obligation is a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba, or the Chinese Communist regime.

(b) Direct ownership

A claim under section 1643b(a) of this title based upon a direct ownership interest in a corporation, association, or other entity for loss shall be considered, subject to the other provisions of this title, if such corporation, association, or other entity on the date of the loss was not a national of the United States, with-

out regard to the per centum of ownership vested in the claimant.

(c) Indirect ownership

A claim under section 1643b(a) of this title based upon an indirect ownership interest in a corporation, association, or other entity for loss shall be considered, subject to the other provisions of this subchapter, only if at least 25 per centum of the entire ownership interest thereof at the time of such loss was vested in nationals of the United States.

(d) Computation of award

The amount of any claim covered by subsection (b) or (c) of this section shall be calculated on the basis of the total loss suffered by such corporation, association, or other entity, and shall bear the same proportion to such loss as the ownership interest of the claimant at the time of loss bears to the entire ownership interest thereof.

(Mar. 10, 1950, ch. 54, title V, § 505, as added Oct. 16, 1964, Pub. L. 88-666, 78 Stat. 1111, and amended Oct. 19, 1965, Pub. L. 89-262, § 3, 79 Stat. 988; Nov. 6, 1966, Pub. L. 89-780, § 4, 80 Stat. 1365.)

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-780 provided for applicability of subsection to property nationalized or taken by the Chinese Communist regime.

1965—Subsec. (a). Pub. L. 89-262 authorized consideration of claims based on debt or other obligation owing by corporations or other legal entities which is a charge on property nationalized, expropriated, intervened, or taken by Government of Cuba.

§ 1643e. Offsets

In determining the amount of any claim, the Commission shall deduct all amounts the claimant has received from any source on account of the same loss or losses.

(Mar. 10, 1950, ch. 54, title V, § 506, as added Oct. 16, 1964, Pub. L. 88-666, 78 Stat. 1112, and amended Oct. 19, 1965, Pub. L. 89-262, § 4, 79 Stat. 988.)

AMENDMENTS

1965—Pub. L. 89-262 struck out the proviso that the deduction of such amounts shall not be construed as divesting the United States of any rights against the Government of Cuba for the amounts so deducted.

§ 1643f. Action of Commission with respect to claims; certification of amounts; limitation on amount of claims of assignees

(a) The Commission shall certify to each individual who has filed a claim under this subchapter the amount determined by the Commission to be the loss or damage suffered by the claimant which is covered by this subchapter. The Commission shall certify to the Secretary of State such amount and the basic information underlying that amount, together with a statement of the evidence relied upon and the reasoning employed in reaching its decision.

(b) The amount determined to be due on any claim of an assignee who acquires the same by purchase shall not exceed (or, in the case of any such acquisition subsequent to the date of the determination, shall not be deemed to have exceeded) the amount of the actual consideration paid by such assignee, or in case of successive assignments of a claim by any assignee.

(Mar. 10, 1950, ch. 54, title V, § 507, as added Oct. 16, 1964, Pub. L. 88-666, 78 Stat. 1112.)

§ 1643g. Transfer of records

The Secretary of State shall transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this subchapter as may be required by the Commission in carrying out its functions under this subchapter.

(Mar. 10, 1950, ch. 54, title V, § 508, as added Oct. 16, 1964, Pub. L. 88-666, 78 Stat. 1112.)

§ 1643h. Applicability of administrative provisions of subchapter I

To the extent they are not inconsistent with the provisions of this subchapter, the following provisions of subchapter I of this chapter shall be applicable to this subchapter: Subsections (b), (c), (d) (e), (h), and (j) of section 1623 of this title; subsection (f) of section 1626 of this title.

(Mar. 10, 1950, ch. 54, title V, § 509, as added Oct. 16, 1964, Pub. L. 88-666, 78 Stat. 1112.)

§ 1643i. Time limitation on completion of affairs of Commission

The Commission shall complete its affairs in connection with the settlement of claims pursuant to this subchapter not later than July 6, 1972.

(Mar. 10, 1950, ch. 54, title V, § 510, as added Oct. 16, 1964, Pub. L. 88-666, 78 Stat. 1112, and amended Nov. 6, 1966, Pub. L. 89-780, § 5, 80 Stat. 1365; Dec. 24, 1969, Pub. L. 91-157, 83 Stat. 435.)

AMENDMENTS

1969—Pub. L. 91-157 set July 6, 1972, as the final date for the settlement of claims pursuant to this subchapter.

1966—Pub. L. 89-780 inserted "with respect to each respective claims program authorized" following "carrying out its functions".

§ 1643j. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to enable the Commission to pay its administrative expenses incurred in carrying out its functions under this subchapter.

(Mar. 10, 1950, ch. 54, title V, § 511, as added Oct. 16, 1964, Pub. L. 88-666, 78 Stat. 1113, and amended Oct. 19, 1965, Pub. L. 89-262, § 5, 79 Stat. 988.)

AMENDMENTS

1965—Pub. L. 89-262 redesignated subsec. (a) as the complete section, eliminated the limitation of amount of appropriations to aggregate amount of net proceeds realized from sale or liquidation of property of Government of Cuba and use of funds to pay administrative expenses of the Treasury Department in carrying out its functions, and eliminated subsec. (b) provisions for vesting and liquidation of Cuban property.

§ 1643k. Fees for services; limitation; penalty

No remuneration on account of any services rendered on behalf of any claimant in connection with any claim filed with the Commission under this subchapter shall exceed 10 per centum of so much of the total amount of such claim, as determined under this subchapter, as does not exceed $20,000, plus 5 per centum of so much of such amount, if any, as exceeds $20,000. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be fined not more than $5,000 or imprisoned not more than twelve months or both.

(Mar. 10, 1950, ch. 54, title V, § 512, as added Oct. 16, 1964, Pub. L. 88-666, 78 Stat. 1113.)

SUBCHAPTER VI—CLAIMS AGAINST GERMAN DEMOCRATIC REPUBLIC

§ 1644. Congressional declaration of purpose

It is the purpose of this subchapter to provide for the determination of the validity and amounts of outstanding claims against the German Democratic Republic which arose out of the nationalization, expropriation, or other taking of (or special measures directed against) property interests of nationals of the United States. This subchapter shall not be construed as authorizing or as any intention to authorize an appropriation by the United States for the purpose of paying such claims.

(Mar. 10, 1950, ch. 54, title VI, § 600, as added Oct. 18, 1976, Pub. L. 94-542, 90 Stat. 2509.)

SEPARABILITY OF PROVISIONS

Section 614 of act Mar. 10, 1950, as added by Pub. L. 94-542, provided that: "If any provisions of this Act [this subchapter] or the application thereof to any person or circumstances shall be held invalid, the remainder of the Act [this subchapter] or the application of such provision to other persons or circumstances shall not be affected."

§ 1644a. Definitions

As used in this subchapter—

(1) The term "national of the United States" means—

(a) a natural person who is a citizen of the United States;

(b) a corporation or other legal entity which is organized under the laws of the United States or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity. The term does not include aliens.

(2) The term "Commission" means the Foreign Claims Settlement Commission of the United States.

(3) The term "property" means any property, right, or interest, including any leasehold interest, and debts owed by enterprises which have been nationalized, expropriated, or taken by the German Democratic Republic for which no restoration or no adequate compensation has been made to the former owners of such property.

(4) The term "German Democratic Republic" includes the government of any political subdivision, agency, or instrumentality thereof or under its control.

(5) The term "Claims Fund" is the special fund established in the Treasury of the United States composed of such sums as may be paid to the United States by the German Democratic Republic pursuant to the terms of any agreement settling such claims that may be entered into by the Governments of the United States and the German Democratic Republic.

(Mar. 10, 1950, ch. 54, title VI, § 601, as added Oct. 18, 1976, Pub. L. 94-542, 90 Stat. 2509.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1644g of this title.

§ 1644b. Receipt and determination of claims; notice by publication in Federal Register

The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims by nationals of the United States against the German Democratic Republic for losses arising as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property, including any rights or interests therein, owned wholly or partially, directly or indirectly, at the time by nationals of the United States whether such losses occurred in the German Democratic Republic or in East Berlin. Such claims must be submitted to the Commission within the period specified by the Commission by notice published in the Federal Register (which period shall not be more than twelve months after such publication) within sixty days after October 18, 1976, or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this subchapter, whichever date is later.

(Mar. 10, 1950, ch. 54, title VI, § 602, as added Oct. 18, 1976, Pub. L. 94-542, 90 Stat. 2510.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1644c, 1644d, 1644f, 1644h, 1644i of this title.

§ 1644c. Ownership of claims by nationals

A claim shall not be favorably considered under section 1644b of this title unless the property right on which it is based was owned, wholly or partially, directly or indirectly, by a national of the United States on the date of loss and if favorably considered, the claim shall be considered only if it has been held by one or more nationals of the United States continuously from the date that the loss occurred until the date of filing with the Commission.

(Mar. 10, 1950, ch. 54, title VI, § 603, as added Oct. 18, 1976, Pub. L. 94-542, 90 Stat. 2510.)

§ 1644d. Claims based on ownership interest in or debt or other obligation owing by corporations or other legal entities

(a) Nationals of the United States; charge on property

A claim under section 1644b of this title based upon an ownership interest in any corporation, association, or other entity which is a national of the United States, shall not be considered. A claim under section 1644b of this title based upon a debt or other obligation owing by any corporation, association, or other entity organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico shall be considered only when such debt or other obligation is a charge on property which has been nationalized, expropriated, or taken by the German Democratic Republic.

(b) Direct ownership

A claim under section 1644b of this title based upon a direct ownership interest in a corporation, association, or other entity for loss, shall be considered subject to the provisions of this subchapter, if such corporation, association or other entity on the date of the loss was not a national of the United States, without regard to the per centum of ownership vested in the claimant.

(c) Indirect ownership

A claim under section 1644b of this title for losses based upon an indirect ownership interest in a corporation, association, or other entity, shall be considered, subject to the other provisions of this subchapter, only if at least 25 per centum of the entire ownership interest thereof, at the time of such loss, was vested in nationals of the United States.

(d) Computation of award

The amount of any claim covered by subsections (b) or (c) of this section shall be calculated on the basis of the total loss suffered by such corporation, association, or other entity, and shall bear the same proportion to such loss as the ownership interest of the claimant at the time of loss bears to the entire ownership interest thereof.

(Mar. 10, 1950, ch. 54, title VI, § 604, as added Oct. 18, 1976, Pub. L. 94-542, 90 Stat. 2510.)

§ 1644e. Offsets

In determining the amount of any claim, the Commission shall deduct all amounts the claimant has received from any source on account of the same loss or losses, including any amount claimant received under section 2017a(a) of the Appendix to title 50, for losses which occurred as a direct consequence of special measures directed against such property in any area covered under this subchapter.

(Mar. 10, 1950, ch. 54, title VI, § 605, as added Oct. 18, 1976, Pub. L. 94-542, 90 Stat. 2511.)

§ 1644f. Consolidated awards

With respect to any claim under section 1644b of this title which, at the time of the award, is vested in persons other than the person by whom the original loss was sustained, the Commission shall issue a consolidated award in favor of all claimants then entitled thereto, which award shall indicate the respective interests of such claimants therein, and all such claimants shall participate, in proportion to their indicated interests, in any payments that may be made under this subchapter in all respects as if the award had been in favor of a single person.

(Mar. 10, 1950, ch. 54, title VI, § 606, as added Oct. 18, 1976, Pub. L. 94-542, 90 Stat. 2511.)

§ 1644g. Claims Fund; establishment; deductions

(a) The Secretary of the Treasury is hereby authorized to establish in the Treasury of the United States a fund to be designated the Claims Fund as defined under section 1644a(5) of this title for the payment of unsatisfied claims of nationals of the United States against the German Democratic Republic as authorized in this subchapter.

(b) The Secretary of the Treasury shall deduct from any amounts covered into the Claims Fund, an amount equal to 5 percentum thereof as reimbursement to the Government of the United States for expenses incurred by the Commission and by the Treasury Department in the administration of this subchapter. The amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

(Mar. 10, 1950, ch. 54, title VI, § 607, as added Oct. 18, 1976, Pub. L. 94-542, 90 Stat. 2511.)

§ 1644h. Certification of amounts; priority of payments

(a) The Commission shall certify to the Secretary of the Treasury, in terms of United States currency, each award made pursuant to section 1644b of this title.

(b) Upon certification of such award, the Secretary of the Treasury is authorized and directed, out of the sums covered into the Claims Fund, to make payments on account of such awards as follows, and in the following order of priority:

(1) payment in full of the principal amount of each award of $1,000 or less;

(2) payment in the amount of $1,000 on account of the principal amount of each award of more than $1,000 in principal amount;

(3) thereafter, payments from time to time, in ratable proportions, on account of the unpaid balance of the principal amounts of all awards according to the proportions which the unpaid balance of such awards bear to the total amount in the fund available for distribution at the time such payments are made;

(4) after payment has been made in full of the principal amounts of all awards, pro rata payments may be made on account of any interest that may be allowed on such awards;

(5) payments or applications for payments shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

(Mar. 10, 1950, ch. 54, title VI, § 608, as added Oct. 18, 1976, Pub. L. 94-542, 90 Stat. 2511.)

§ 1644i. Time limitation on completion of affairs of Commission

The Commission shall complete its affairs in connection with the settlement of claims pursuant to this subchapter not later than three years following the final date for the filing of claims as provided in section 1644b of this title.

(Mar. 10, 1950, ch. 54, title VI, § 609, as added Oct. 18, 1976, Pub. L. 94-542, 90 Stat. 2512.)

§ 1644j. Transfer of records

The Secretary of State is authorized and directed to transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this subchapter as may be required by the Commission in carrying out its functions under this subchapter.

(Mar. 10, 1950, ch. 54, title VI, § 610, as added Oct. 18, 1976, Pub. L. 94-542, 90 Stat. 2512.)

§ 1644k. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to enable the Commission and the Treasury Department of [1] pay their respective administrative expenses incurred in carrying out their functions under this subchapter.

(Mar. 10, 1950, ch. 54, title VI, § 611, as added Oct. 18, 1976, Pub. L. 94-542, 90 Stat. 2512.)

§ 1644*l*. Fees for services; limitations; penalty

No remuneration on account of services rendered on behalf of any claimant, in connection with any claim filed with the Commission under this subchapter, shall exceed 10 per centum of the total amount paid pursuant to any award certified under the provisions of this subchapter on account of such claims. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

(Mar. 10, 1950, ch. 54, title VI, § 612, as added Oct. 18, 1976, Pub. L. 94-542, 90 Stat. 2512.)

§ 1644m. Applicability of administrative provisions of subchapter I

To the extent they are not inconsistent with the provisions of this subchapter, the following provisions of subchapter I of this chapter shall be applicable to this subchapter: subsections (b), (c), (d), (e), (h), and (j) of section 1623 of this title; subsections (c), (d), (e), and (f) of section 1626 of this title.

(Mar. 10, 1950, ch. 54, title VI, § 613, as added Oct. 18, 1976, Pub. L. 94-542, 90 Stat. 2512.)

[1] So in original. Probably should be "to".

CHAPTER 21A—SETTLEMENT OF INVESTMENT DISPUTES

Sec.
1650. Appointments of representatives and panel members under Convention on the Settlement of Investment Disputes.
1650a. Arbitration awards under the Convention; treaty rights; enforcement; full faith and credit; nonapplication of Federal Arbitration Act; jurisdiction; amount in controversy.

§ 1650. Appointments of representatives and panel members under Convention on the Settlement of Investment Disputes

The President may make such appointments of representatives and panel members as may be provided for under the convention.

(Pub. L. 89-532, § 2, Aug. 11, 1966, 80 Stat. 344.)

References in Text

The convention, referred to in the text, is the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States which was signed on Aug. 27, 1965, approved by the Senate on May 16, 1966, and ratified by the President on June 1, 1966.

Short Title

Section 1 of Pub. L. 89-532 provided: "That this Act [enacting this chapter] may be cited as the 'Convention on the Settlement of Investment Disputes Act of 1966'."

§ 1650a. Arbitration awards under the Convention; treaty rights; enforcement; full faith and credit; nonapplication of Federal Arbitration Act; jurisdiction; amount in controversy

(a) An award of an arbitral tribunal rendered pursuant to chapter IV of the convention shall create a right arising under a treaty of the United States. The pecuniary obligations imposed by such an award shall be enforced and shall be given the same full faith and credit as if the award were a final judgment of a court of general jurisdiction of one of the several States. The Federal Arbitration Act (9 U.S.C. 1 et seq.) shall not apply to enforcement of awards rendered pursuant to the convention.

(b) The district courts of the United States (including the courts enumerated in section 460 of title 28) shall have exclusive jurisdiction over actions and proceedings under subsection (a) of this section, regardless of the amount in controversy.

(Pub. L. 89-532, § 3, Aug. 11, 1966, 80 Stat. 344.)

References in Text

Chapter IV of the convention, referred to in subsec. (a), contains the Arbitration provisions of the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States, providing in Section 1 (Art. 36) for Request for Arbitration, Section 2 (Arts. 37 to 40) for Constitution of the Tribunal, Section 3 (Arts. 41 to 47) for powers and functions of the tribunal, Section 4 (Arts. 48, 49) for The Award, Section 5 (Arts. 50 to 52) for interpretation, revision and annulment of the award, and Section 6 (Arts. 53 to 55) for recognition and enforcement of the award.

The Federal Arbitration Act, referred to in subsec. (a), is classified generally to Title 9, Arbitration.

CHAPTER 22—MUTUAL SECURITY ASSISTANCE

SUBCHAPTER I—ORGANIZATION AND GENERAL PROVISIONS

§§ 1651 to 1675p. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(9) to (11), 68 Stat. 861

Sections 1651, acts Oct. 10, 1951, ch. 479, § 2, 65 Stat. 373; June 20, 1952, ch. 449, § 2, 66 Stat. 141, related to Congressional declaration of purpose.

Section 1652, acts Oct. 10, 1951, ch. 479, title V, § 501 (a to d), 65 Stat. 377; June 20, 1952, ch. 449, § 7(b), 66 Stat. 143, related to uniform program for military, economic, and technical assistance.

Section 1653, act Oct. 10, 1951, ch. 479, title V, § 502, 65 Stat. 378, related to administration.

Section 1654, acts Oct. 10, 1951, ch. 479, title V, § 503, 65 Stat. 378; June 20, 1952, ch. 449, § 7(c), 66 Stat. 144, related to additional primary responsibilities of director.

Section 1655, acts Oct. 10, 1951, ch. 479, title V, § 504, 65 Stat. 379; June 20, 1952, ch. 449, § 7(d) to (f), 66 Stat. 144, related to other agency personnel.

Section 1656, act Oct. 10, 1951, ch. 479, title V, § 505, 65 Stat. 379, provided that powers of Secretary of State shall be unaffected by this chapter. See section 2382 of this title.

Section 1657, acts Oct. 10, 1951, ch. 479, title V, § 506, 65 Stat. 379; June 20, 1952, ch. 449, § 7(g), 66 Stat. 145, related to duties of Secretary of Defense. See section 2383 of this title.

Section 1658, act Oct. 10, 1951, ch. 479, title V, § 507, 65 Stat. 380, related to coordination among representatives overseas. See section 2382 of this title.

Section 1659, act Oct. 10, 1951, ch. 479, title V, § 508, 65 Stat. 380, provided that other laws shall be unaffected by this chapter.

Section 1660, act Oct. 10, 1951, ch. 479, title V, § 509, 65 Stat. 380, related to detail of personnel to foreign governments and international organizations. See sections 2387 and 2388 of this title.

Section 1661, acts Oct. 10, 1951, ch. 479, title V, § 510, 65 Stat. 381; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43, related to loyalty and security investigation of employees.

Section 1662, acts Oct. 10, 1951, ch. 479, title V, § 511, 65 Stat. 381; June 20, 1952, ch. 449, § 7(h), 66 Stat. 145, related to eligibility of nations for assistance and cooperative action requirements.

Section 1663, act Oct. 10, 1951, ch. 479, title V, § 512, 65 Stat. 382, related to future appropriation authorizations.

Section 1664, acts Oct. 10, 1951, ch. 479, title V, § 513, 65 Stat. 382; June 20, 1952, ch. 449, § 7(i), 66 Stat. 145; July 16, 1953, ch. 195, ch. VII, §§ 701(c), 706(b), 67 Stat. 155, 158, related to transferability of appropriations under this chapter and special use of funds. See section 2360 of this title.

Section 1665, acts Oct. 10, 1951, ch. 479, title V, § 514, 65 Stat. 382; June 20, 1952, ch. 449, § 7(j), 66 Stat. 146; July 16, 1953, ch. 195, ch. IV, § 402, 67 Stat. 154, related to procurement and stimulation of production of strategic materials and appropriation.

Section 1666, act Oct. 10, 1951, ch. 479, title V, § 515, 65 Stat. 382, related to protection of funds against attachment.

Section 1667, acts Oct. 10, 1951, ch. 479, title V, § 516, 65 Stat. 382; June 20, 1952, ch. 449, § 7(k), 66 Stat. 146; July 16, 1953, ch. 195, ch. VII, § 710(a)(1), (2), 67 Stat. 161, related to encouragement of free enterprise and foreign investment, cooperation by agencies and departments, and reports. See section 2351 of this title.

Section 1668, act Oct. 10, 1951, ch. 479, title V, § 518, 65 Stat. 383, related to patents and technical information. See section 2356 of this title.

Section 1669, act Oct. 10, 1951, ch. 479, title V, § 518, 65 Stat. 383, required the President to transmit reports to Congress. See section 2394 of this title.

Section 1670, acts Oct. 10, 1951, ch. 479, title V, § 519, 65 Stat. 383; June 20, 1952, ch. 449, § 7(*l*), 66 Stat. 146, related to local currencies.

Section 1671, acts Oct. 10, 1951, ch. 479, title V, § 520, 65 Stat. 384; July 16, 1953, ch. 195, ch. VII, § 706(c), 67 Stat. 158, related to use of certain funds for investment guaranties. See section 2351 of this title.

Section 1672, acts Oct. 10, 1951, ch. 479, title V, § 521, 65 Stat. 384; July 16, 1953, ch. 195, ch. VII, § 706(f)(1), 67 Stat. 158, related to use of funds for acquisition of collective defense facilities and administrative expenses.

Section 1673, act Oct. 10, 1951, ch. 479, title V, § 524, 65 Stat. 385, related to return of equipment and material to United States and its disposition. See section 2355 of this title.

Section 1674, act Oct. 10, 1951, ch. 479, title V, § 529, 65 Stat. 386, related to termination of assistance by President. See section 2367 of this title.

Section 1675, acts Oct. 10, 1951, ch. 479, title V, § 529, 65 Stat. 386; July 16, 1953, ch. VII, § 706(d), 67 Stat. 158, related to expiration of program. See section 2367 of this title.

Section 1675a, act Oct. 10, 1951, ch. 479, title V, § 532, as added June 20, 1952, ch. 449, § 7(m), 66 Stat. 146, related to exemptions from contract, accounting and certain other laws. See section 2393 of this title.

Section 1675b, act Oct. 10, 1951, ch. 479, title V, § 533, as added June 20, 1952, ch. 449, § 7(m), 66 Stat. 146, related to employment of retired officers. See section 2386 of this title.

Section 1675c, act Oct. 10, 1951, ch. 479, title V, § 534, as added June 20, 1952, ch. 449, § 7(m), 66 Stat. 146, and amended July 16, 1953, ch. 195, ch. VI, § 601, 67 Stat. 145, related to authorization of appropriations for movement of migrants. See section 2601 of this title.

Section 1675d, act Oct. 10, 1951, ch. 479, title V, § 535, as added June 20, 1952, ch. 449, § 7(m), 66 Stat. 146, and amended July 16, 1953, ch. 195, ch. VI, § 604, 67 Stat. 155, related to authority to pay ocean freight charges on relief packages.

Section 1675e, act Oct. 10, 1951, ch. 479, title V, § 536, as added June 20, 1952, ch. 449, § 7(m), 66 Stat. 146, related to authority to make informational media guaranties.

Section 1675f, act Oct. 10, 1951, ch. 479, title V, § 537, as added June 20, 1952, ch. 449, § 7(m), 66 Stat. 146, related to limitations on the use of propaganda funds.

Section 1675g, act Oct. 10, 1951, ch. 479, title V, § 538(a), (b), as added June 20, 1952, ch. 449, § 7(m), 66 Stat. 146, related to participation of small business in the furnishing of commodities and services and continuation of the Office of Small Business. See section 2352 of this title.

Section 1675h, act Oct. 10, 1951, ch. 479, title V, § 539, as added June 20, 1952, ch. 449, § 7(m), 66 Stat. 146, related to limitation on the use of counterpart funds.

Section 1675i, act Oct. 10, 1951, ch. 479, title V, § 540, as added July 16, 1953, ch. 195, ch. I, § 101, 67 Stat. 152, related to appropriations for military assistance generally.

Section 1675j, act Oct. 10, 1951, ch. 479, title V, § 541, as added July 16, 1953, ch. 195, ch. II, § 201(a), 67 Stat. 152, related to appropriations for defense, economic, and technical assistance to Europe, Nationalist China, and French Indo-China.

Section 1675k, act Oct. 10, 1951, ch. 479, title V, § 542, as added July 16, 1953, ch. 195, ch. III, § 301, 67 Stat. 153, related to appropriations for furnishing special weapons and determinations by President with respect to such weapons.

Section 1675*l*, act Oct. 10, 1951, ch. 479, title V, § 543, as added July 16, 1953, ch. 195, ch. IV, § 401, 67 Stat. 153, related to appropriations for defense, economic, and technical assistance in the Near East, Africa, Far East, and American Republics.

Section 1675m, act Oct. 10, 1951, ch. 479, title V, § 546, as added July 16, 1953, ch. 195, ch. VII, § 702, 67 Stat. 156, related to availability of unexpended balances. See section 2404 of this title.

Section 1675n, act Oct. 10, 1951, ch. 479, title V, § 547, as added July 16, 1953, ch. 195, ch. VII, § 706(e),

67 Stat 158, related to use of funds in economically underdeveloped areas.

Section 1675o, act Oct. 10, 1951, ch. 479, title V, § 548, as added July 16, 1953, ch. 195, ch. VII, § 706(f)(2), 67 Stat. 159, related to increases in authorized amounts and use of foreign currency.

Section 1675p, act Oct. 10, 1951, ch. 479, title V, § 550, as added July 16, 1953, ch. 195, ch. VII, § 706(h), 67 Stat. 159, related to surplus agricultural commodities. See sections 1701 and 1704 of Title 7, Agriculture.

See section 2151 et seq. of this title.

SUBCHAPTER II—EUROPE; APPROPRIATIONS

§§ 1681, 1682. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(9) to (11), 68 Stat. 861

Section 1681, acts Oct. 10, 1951, ch. 479, title I, § 101, 65 Stat. 373; June 20, 1952, ch. 449, § 3, 66 Stat. 141; July 16, 1953, ch. 195, ch. VII, §§ 701(a), 703, 67 Stat. 155, 156, related to authorizations: amount, countries included; transfers between appropriations, notice to Congressional committees; and aid to Spain.

Section 1682, act Oct. 10, 1951, ch. 479, title V, § 102, as added July 16, 1953, ch. 195, ch. II, § 201(b), 67 Stat. 153, related to authorization for manufacture of military equipment in France and the United Kingdom.

See section 2151 et seq. of this title.

SUBCHAPTER III—NEAR EAST AND AFRICA; APPROPRIATIONS

§§ 1691 to 1697. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(9) to (11), 68 Stat. 861

Section 1691, acts Oct. 10, 1951, ch. 479, title II, § 201, 65 Stat. 374; June 20, 1952, ch. 449, § 4(a), 66 Stat. 142, related to military assistance to Greece, Turkey and Iran, and authorization of amount.

Section 1692, acts Oct. 10, 1951, ch. 479, title II, § 202, 65 Stat. 375; July 16, 1953, ch. 195, ch. VII, §§ 701(b), 704, 67 Stat. 155, 156, related to other assistance in area of Near East and Africa and amount available.

Section 1693, acts Oct. 10, 1951, ch. 479, title II, § 203, 65 Stat. 375; June 20, 1952, ch. 449, § 4(b), 66 Stat. 142, related to economic and technical assistance and authorization of amount.

Section 1694, act Oct. 10, 1951, ch. 479, title II, § 204, 65 Stat. 375, related to aid to Palestine refugees and amount available.

Section 1695, act Oct. 10, 1951, ch. 479, title II, § 205, 65 Stat. 375, related to aid to refugees coming into Israel and amount available.

Section 1696, acts Oct. 10, 1951, ch. 479, title II, § 206, as added June 20, 1952, ch. 449, § 4(c), 66 Stat. 142, and amended July 16, 1953, ch. 195, ch. V, § 501, 67 Stat. 154, related to special economic assistance.

Section 1697, act Oct. 10, 1951, ch. 479, title V, § 549, as added July 16, 1953, ch. 195, ch. VII, § 706(g), 67 Stat. 159, related to the making of a survey of the refugee situation in the Near East, report and recommendations.

See section 2151 et seq. of this title.

SUBCHAPTER IV—ASIA AND PACIFIC; APPROPRIATIONS

§§ 1701 to 1705. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(9) to (11), 68 Stat. 861

Section 1701, acts Oct. 10, 1951, ch. 479, title III, § 301, 65 Stat. 375; June 20, 1952, ch. 449, § 5(a), 66 Stat. 142, related to authorization of amount for military assistance in general area of China, and Republics of Philippines and Korea.

Section 1702, acts Oct. 10, 1951, ch. 479, title III, § 302(a), 65 Stat. 376; June 20, 1952, ch. 449, § 5(b), 66 Stat. 142; July 16, 1953, ch. 195, ch. VII, § 705, 67 Stat. 156, related to authorization of amount for economic and technical assistance in general area of China and Republics of Philippines and Korea.

Section 1703, acts Oct. 10, 1951, ch. 579, title III, § 303. 65 Stat. 376; June 20, 1952, ch. 449, § 5(d) to (g), 66 Stat. 143; July 16, 1953, ch. 195, ch. VI, § 605, 67 Stat. 155 related to rehabilitation of Korea.

Section 1704, act Oct. 10, 1951, ch. 479, title III, § 304 as added July 16, 1953, ch. 195, ch. II, § 201(c), 67 Stat. 153, related to authorization of amount for aid to forces of French Indo-China.

Section 1705, act Oct. 10, 1951, ch. 479, title III, § 302(b), as added July 16, 1953, ch. 195, ch. V, § 502, 67 Stat. 154, related to authorization of amount for economic assistance to India and Pakistan.

See section 2151 et seq. of this title.

SUBCHAPTER V—AMERICAN REPUBLICS AND NON-SELF-GOVERNING TERRITORIES OF THE WESTERN HEMISPHERE

§§ 1711 to 1713. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(9), (10), 68 Stat. 861

Section 1711, act Oct. 10, 1951, ch. 479, title IV, § 401, 65 Stat. 377, related to authorization of amount for military assistance.

Section 1712, acts Oct. 10, 1951, ch. 479, title IV, § 402, 65 Stat. 377; June 20, 1952, ch. 449, § 6, 66 Stat. 143, related to authorization of amount for technical assistance.

Section 1713, act Oct. 10, 1951, ch. 479, title IV, § 403, as added June 20, 1952, ch. 449, § 6, 66 Stat. 143, related to additional appropriations for Latin American countries

See section 2151 et seq. of this title.

CHAPTER 23—PROTECTION OF CITIZENS ABROAD

Sec.
1731. Protection to naturalized citizens abroad.
1732. Release of citizens imprisoned by foreign governments.

§ 1731. Protection to naturalized citizens abroad

All naturalized citizens of the United States while in foreign countries are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

(R.S. § 2000.)

CODIFICATION

R.S. § 2000 was from Act July 27, 1868, ch. 249, § 2, 15 Stat. 224.

Section was formerly classified to section 903a of Title 8, Aliens and Nationality.

§ 1732. Release of citizens imprisoned by foreign governments

Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

(R.S. § 2001.)

CODIFICATION

R.S. § 2001 was from act July 27, 1868, ch. 249, § 3, 15 Stat. 224.

Section was formerly classified to section 903b of Title 8, Aliens and Nationality.

CHAPTER 24—MUTUAL SECURITY PROGRAM

SUBCHAPTER I—GENERAL AND ADMINISTRATIVE PROVISIONS

Sec.
1750 to 1753a. Repealed.
1754 Foreign currencies.
(a) Availability and use.
(b) Availability to Congressional committees; reports.
1755 to 1760. Repealed.
1760a. Omitted.
1761 to 1765. Repealed.
1766. Omitted.
1766a to 1768. Repealed.
1781, 1782. Repealed.
1783. Coordination with foreign policy.
1784 to 1795. Repealed.
1796. Participation in Joint Commission on Rural Reconstruction in China.
1797. Repealed.

SUBCHAPTER II—MILITARY ASSISTANCE

1811 to 1818. Repealed.
1819. Accounting for military assistance funds; incurment of obligations in anticipation of reimbursement; restriction on withdrawal.
1831 to 1834. Repealed.

SUBCHAPTER III—ECONOMIC ASSISTANCE

PART A—DEFENSE SUPPORT

1841, 1842. Repealed.
1851, 1852. Repealed.
1853. Assistance to Yugoslavia.
1854. Repealed.

PART B—DEVELOPMENT LOAN FUND

1870 to 1876. Repealed.

PART C—TECHNICAL COOPERATION

1891 to 1896. Repealed.
1896a. Restriction on commitments for technical assistance.
1896b. Colombo Plan Council for Technical Cooperation; authorization.
1897, 1898. Repealed.

PART D—SPECIAL ASSISTANCE AND OTHER PROGRAMS

1920, 1921. Repealed.
1922. Surplus agricultural commodities; funds for shipments.
1923 to 1927. Repealed.
1928. North Atlantic Treaty Organization.
(a) Authorization for expenses.
(b) Appointment of personal representative.
(c) Duration of staff service.
1928a. North Atlantic Treaty Parliamentary Conference; participation; appointment of United States Group.
1928b. Authorization of appropriations.
1928c. Report to the Congress.
1928d. Auditing and accounting.
1928e. North Atlantic Assembly; appropriations for expenses of annual meeting.
1929 to 1936. Repealed.
1937. Irish counterpart account; approval of disposition.
1938 to 1941. Repealed.
1942. Development assistance in Latin America; Congressional declaration of policy.
1943. Authorization of appropriations; restrictions; reports to Committees.
1944. Reconstruction assistance in Chile; authorization of appropriations.
1945. Utilization of funds for assistance in Latin America; availability for transportation of immigrants from Ryukyuan Archipelago.

SUBCHAPTER IV—CONTINGENCY FUND

1951. Repealed.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1945, 2103 of this title; title 26 sections 995, 1441.

SUBCHAPTER I—GENERAL AND ADMINISTRATIVE PROVISIONS

§§ 1750 to 1753a. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), (5), Sept. 4, 1961, 75 Stat. 460

Section 1750, act Aug. 26, 1954, ch. 937, § 2, formerly ch. IV, § 549, as added July 8, 1955, ch. 301, § 11, 69 Stat. 289, renumbered and amended July 18, 1956, ch. 627, § 2, 70 Stat. 555; July 24, 1959, Pub. L. 86-108, § 2, 73 Stat. 246; May 14, 1960, Pub. L. 86-472, § 2, 74 Stat. 134, stated the Congressional declaration of purpose for this chapter. See section 2151 et seq. of this title.

Section 1750a, Pub. L. 85-477, ch. V, § 503, June 30, 1958, 72 Stat. 275, related to strengthening cooperation in the Western Hemisphere.

Section 1750b, act Aug. 26, 1954, ch. 937, ch. IV, § 552, as added May 14, 1960, Pub. L. 86-472, ch. IV, § 401(m), 74 Stat. 140, prohibited assistance to Cuba. See section 2370 of this title.

Section 1751, acts Aug. 26, 1954, ch. 937, ch. IV, § 545, 68 Stat. 862; July 18, 1956, ch. 627, § 11(b), 70 Stat. 565; June 30, 1958, Pub. L. 85-477, ch. IV, § 401(i), ch. V, § 501(31)-(33), 72 Stat. 270, 272, defined terms used in this chapter. See section 2403 of this title.

Section 1752, acts Aug. 26, 1954, ch. 937, ch. IV, § 546, 68 Stat. 863; Aug. 14, 1957, Pub. L. 85-141, § 11(c), 71 Stat 365, related to the construction and application of this chapter.

Section 1753, acts Aug. 26, 1954, ch. 937, ch. IV, § 501, 68 Stat. 849; July 18, 1956, ch. 627, § 9(a), 70 Stat. 560, authorized transferability of funds. See section 2360 of this title.

Section 1753a, act Aug. 26, 1954, ch. 937, ch. IV, § 551, as added July 24, 1959, Pub. L. 86-108, ch. IV, § 401(m), 73 Stat. 255, and amended Sept. 8, 1960, Pub. L. 86-735, § 4, 74 Stat. 870, provided for limitations on the use of the President's special authority.

TRANSFER OF FUNDS TO CARRY OUT INTERNATIONAL EDUCATIONAL EXCHANGE ACTIVITIES

Section 13 of act July 18, 1956, ch. 627, 70 Stat. 565, set out as a note under section 1753 of this title, was repealed by Pub. L. 87-195, pt. III, § 642(a)(4), Sept. 4, 1961, 75 Stat. 460.

§ 1754. Foreign currencies

(a) Availability and use

Notwithstanding section 724 of title 31, or any other provision of law, proceeds of sales made under section 1675p of this title, shall remain available and shall be used for any of the purposes of this chapter, giving particular regard to the following purposes—

(1) for providing military assistance to nations or mutual defense organizations eligible to receive assistance under this chapter;

(2) for purchase of goods or services in friendly nations;

(3) for loans, under applicable provisions of this chapter, to increase production of goods or services, including strategic materials, needed in any nation with which an agreement was negotiated, or in other friendly nations, with the authority to use currencies re-

ceived in repayment for the purposes stated in the section or for deposit to the general account of the Treasury of the United States;

(4) for developing new markets on a mutually beneficial basis;

(5) for grants-in-aid to increase production for domestic needs in friendly countries; and

(6) for purchasing materials for United States stockpiles.

(b) Availability to Congressional committees; reports

Notwithstanding section 724 of title 31, or any other provision of law, local currencies owned by the United States, which are in excess of the amounts reserved under section 2362(a) of this title and of the requirements of the United States Government in payment of its obligation outside the United States, as such requirements may be determined from time to time by the President (and any other local currencies owned by the United States in amounts not to exceed the equivalent of $75 per day per person exclusive of the actual cost of transportation) shall be made available to Members and employees of appropriate committees of the Congress engaged in carrying out their duties under section 190d of title 2, and to the Joint Committee on Atomic Energy, the Joint Economic Committee, and the Joint Committee on Congressional Operations and the Select Committee on Intelligence of the Senate and the Select Committees on Small Business of the Senate and House of Representatives and the Select Committee on Astronautics and Space Exploration of the House of Representatives and the Special Committee on Space and Astronautics of the Senate, for their local currency expenses. Within the first sixty days that Congress is in session in each calendar year, the chairman of such committee shall prepare a consolidated report itemizing the amounts and dollar equivalent values of each such foreign currency expended and the amounts of dollar expenditures from appropriated funds in connection with travel outside the United States, together with the purposes of the expenditure, including per diem (lodging and meals), transportation and other purposes, and showing the total itemized expenditures during the preceding calendar year of the committee, and of each member or employee of such committee, and shall forward such consolidated report to the Committee on House Administration of the House of Representatives (if the committee be a committee of the House of Representatives or a joint committee whose funds are disbursed by the Clerk of the House) or to the Secretary of the Senate (if the committee be a Senate committee or joint committee whose funds are disbursed by the Secretary of the Senate), and shall be open to public inspection. Each such consolidated report shall be published in the Congressional Record within ten legislative days after it is forwarded pursuant to this subsection. In the case of the Select Committee on Intelligence of the Senate, such consolidated report may, in the discretion of the chairman of such select committee, omit such information as would identify the foreign countries in which members and employees of such select committee traveled.

(Aug. 26, 1954, ch. 937, ch. IV, § 502, 68 Stat. 849; Sept. 3, 1954, ch. 1262, § 104, 68 Stat. 1223; July 8, 1955, ch. 301, § 9(a), 69 Stat. 288; July 18, 1956, ch. 627, § 9(b), 70 Stat. 560; June 30, 1958, Pub. L. 85-477, ch. IV, § 401(a), 72 Stat. 268; Aug. 27, 1958, Pub. L. 85-766, ch. X, § 1001, 72 Stat. 880; May 14, 1960, Pub. L. 86-472, ch. IV, § 401(a), 74 Stat. 138; July 12, 1960, Pub. L. 86-628, title I, § 105(a), 74 Stat. 460; Sept. 4, 1961, Pub. L. 87-195, pt. III, § 642(a)(2), 75 Stat. 460; Oct. 7, 1964, Pub. L. 88-633, pt. IV, § 402, 78 Stat. 1015; Oct. 18, 1973, Pub. L. 93-126, § 5, 87 Stat. 452; Aug. 13, 1974, Pub. L. 93-371, § 107, 88 Stat. 444; July 25, 1975, Pub. L. 94-59, title XI, § 1105, 89 Stat. 299; Dec. 18, 1975, Pub. L. 94-157, title I, ch. IV, 89 Stat. 837; July 12, 1976, Pub. L. 94-350, title IV, § 402, 90 Stat. 833; Oct. 1, 1976, Pub. L. 94-440, title I, § 109, 90 Stat. 1445.)

REFERENCES IN TEXT

Section 1675p of this title, referred to in subsec. (a), was repealed by section 542(a)(9) of act Aug. 26, 1954, and is covered by section 1922 of this title.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-440 inserted "and the Select Committee on Intelligence of the Senate" following "Joint Committee on Congressional Operations" and added provision authorizing chairman of the Select Committee on Intelligence of the Senate to omit information from the consolidated report that would identify the foreign countries in which members and employees of such committee traveled.

Pub. L. 94-350 required publication of each consolidated report in the Congressional Record within ten legislative days after being forwarded pursuant to subsec. (b).

1975—Subsec. (b). Pub. L. 94-157 made local currencies available to Joint Committee on Congressional Operations.

Pub. L. 94-59 struck out provisions requiring each member or employee to make, to the chairman of the committee in accordance with regulations prescribed by the committee, an itemized report showing the amounts and dollar equivalent values of each foreign currency expended and the amounts of dollar expenditures made from appropriated funds in connection with travel outside the United States, together with the purposes of the expenditure, including lodging, meals, transportation, and other purposes, and, in the provision requiring a consolidated report by the chairman of each committee within the first sixty-days that Congress is in session in each calendar year, added requirement that such report itemize those items, struck out references to subcommittees, substituted "Committee on House Administration" for "Clerk", and added provision for public inspection.

1974—Subsec. (b). Pub. L. 93-371 added provisions requiring each member or employee of any committee to make to the chairman, in accordance with prescribed regulations, an itemized report showing the amounts of foreign currency expended and dollar expenditure made from appropriated funds in connection with travel outside the United States, and substituted provisions relating to the preparation and submission of a consolidated report by the chairman, within the first sixty days that Congress is in session in each calendar year, showing total itemized expenditures during the preceding calendar year of the committee, for provisions relating to the submission by the Department of State to the chairman of each committee, within the first ninety calendar days that Congress is in session in each calendar year, showing amounts and equivalent dollar values of foreign currency expended during the preceding calendar year for travel outside the United States.

1973—Subsec. (b). Pub. L. 93-126 substituted "$75" for "$50" and "shall be made available to Members

and employees of appropriate committees" for "shall be made available to appropriate committees" and substituted a reporting procedure under which the Department of State, within the first 90 calendar days that Congress is in session in each calendar year, submits a report covering the amounts and dollar equivalent values of each foreign currency expended by each Member and employee with respect to travel outside the United States, with such report to be available for public inspection, for a reporting procedure under which both the amounts and dollar equivalent values of each foreign currency expended and the amount of dollar expenditures made from appropriated funds with respect to travel outside the United States were reported within the first 60 days that Congress was in session in each calendar year, with each such report published in the Congressional Record.

1964—Subsec. (b). Pub. L. 88-633 inserted in the first sentence following initial words "United States" the words, "which are in excess of the amounts reserved under section 2362(a) of this title and of the requirements of the United States Government in payment of its obligations outside the United States, as such requirements may be determined from time to time by the President (and any other local currencies owned by the United States in amounts not to exceed the equivalent of $50 per day per person exclusive of the actual cost of transportation)".

1961—Subsec. (c). Pub. L. 87-195 repealed subsec. (c) which related to the preservation of cultural monuments of the Upper Nile.

1960—Subsec. (b). Pub. L. 86-628 required inclusion in the reports of expenditures of each member and employee of the committees and subcommittees.

Pub. L. 86-472, § 401(a)(1), required members and employees of committees to report the amounts of dollar expenditures made from appropriated funds in connection with travel outside the United States, and provided that the consolidated report shall show the total itemized expenditures incurred as a result of official activities of members and employees of committees or subcommittees.

Subsec. (c). Pub. L. 86-472, § 401(a)(2), added subsec. (c).

1958—Subsec. (b). Pub. L. 85-766 required reports to the Select Committee on Astronautics and Space Exploration of the House of Representatives and the Special Committee on Space and Astronautics of the Senate.

Pub. L. 85-477 required each member or employee of the committees to make an itemized report to the chairman of his committee, provided that the chairman shall consolidate the reports and forward the consolidated report to the appropriate Congressional committee within the first 60 days that Congress is in session in each year, and required publication of each report in the Congressional Record.

1956—Subsec. (b). Act July 18, 1956, substituted "Joint Economic Committee and the Select Committees on Small Business of the Senate and House of Representatives" for "Joint Committee on the Economic Report".

1955—Subsec. (b). Act July 8, 1955, authorized the use of local currencies by the Joint Committee on Atomic Energy and the Joint Committee on the Economic Report.

1954—Subsec. (b). Act Sept. 3, 1954, substituted "Committee on Appropriations of the Senate" for "Committee on Rules and Administration of the Senate".

Short Title

Section 1 of act Aug. 26, 1954, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, 71 Stat. 355; June 30, 1958, Pub. L. 85-477, ch. 1, §§ 101 to 103, ch. II, §§ 201 to 205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86-108, § 2, ch. 1, § 101, ch. II, §§ 201 to 205(a) to (i), (k) to (n), ch. III, § 301, ch. IV, § 401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86-472, ch. I to V, 74 Stat. 134, provided: "That this act [enacting this chapter, section 281b-2 of this title, section 151c of former Title 5, Executive Departments and Government Officers and Employees, amending sections 279a, 281b, 290b, 1148, 1442, and 2658 of this title, section 1704 of Title 7, Agriculture, section 1441 of Title 26, Internal Revenue Code, and section 1641 of Title 50, App., War and National Defense, and enacting provisions set out as notes under section 1751 of this title] may be cited as the 'Mutual Security Act of 1954'."

Section Referred to in Other Sections

This section is referred to in section 3007 of this title.

§§ 1755 to 1759. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section 1755, acts Aug. 26, 1954, ch. 937, ch. IV, § 503, 68 Stat. 850; July 8, 1955, ch. 301, § 9(b), 69 Stat. 288; Aug. 14, 1957, Pub. L. 85-141, § 9(a), 71 Stat. 363; June 30, 1958, Pub. L. 85-477, ch. V, § 501(17), 72 Stat. 271; July 24, 1959, Pub. L. 86-108, ch. IV, § 401(a), 73 Stat. 252, provided for the termination of assistance under this chapter. See section 2367 of this title.

Section 1756, acts Aug. 26, 1954, ch. 937, ch. IV, § 504, 68 Stat. 851; Aug. 14, 1957, Pub. L. 85-141, § 9(b), 71 Stat. 363; June 30, 1958, Pub. L. 85-477, ch. V § 501(18), 72 Stat. 271; July 24, 1959, Pub. L. 86-108, ch. IV, § 401(b), 73 Stat. 252; May 14, 1960, Pub. L. 86-472, ch. IV, § 401(b), 74 Stat. 139, related to small business participation in the furnishing of commodities and services. See section 2352 of this title.

Section 1757, acts Aug. 26, 1954, ch. 937, ch. IV, § 505, 68 Stat. 851; July 8, 1955, ch. 301, § 9(c), 69 Stat. 288; Aug. 14, 1957, Pub. L. 85-141, § 9(c), 71 Stat. 363; July 24, 1959, Pub. L. 86-108, ch. IV, § 401(c), 73 Stat. 252; May 14, 1960, Pub. L. 86-472, ch. IV, § 401(c), 74 Stat. 139, provided for the manner and terms of furnishing loan assistance and sales. See section 2395 of this title.

Section 1758, act Aug. 26, 1954, ch. 937, ch. IV, § 506, 68 Stat. 852, related to patents and technical information. See section 2356 of this title.

Section 1759, acts Aug. 26, 1954, ch. 937, ch. IV, § 507, 68 Stat. 852; July 18, 1956, ch. 627, § 9(c), 70 Stat. 560, related to the availability of funds.

§ 1759a. Repealed. Pub. L. 86-108, ch. IV, § 401(*l*), July 24, 1959, 73 Stat. 255

Section, act Aug. 26, 1954, ch. 937, ch. IV, § 549, as added July 18, 1956, ch. 627, § 1(d), 70 Stat. 565, and amended Aug. 14, 1957, Pub. L. 85-141, § 11(e), 71 Stat. 365; June 30, 1958, Pub. L. 85-477, ch. V, § 501(34), 72 Stat. 272, authorized an amount equal to 25 per centum of the funds authorized to be appropriated for any fiscal year for purposes of sections 1891 to 1896, 1897, 1898, or 1923 of this title to be continued available for three months beyond the end of the fiscal year for which appropriated.

§ 1760. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section, act Aug. 26, 1954, ch. 937, ch. IV, § 508, 68 Stat. 853, prohibited the use of funds for propaganda purposes.

§ 1760a. Omitted

Codification

Section, which limited the use of counterpart funds with respect to payment of debts of foreign countries, was enacted as a part of section 105 of the Mutual Security Appropriation Act, 1958, Pub. L. 85-279, § 105, Sept. 3, 1957, 71 Stat. 603, and was not repeated in subsequent appropriation acts.

§§ 1761 to 1765. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section 1761, acts Aug. 26, 1954, ch. 937, ch. IV, § 509, 68 Stat. 853; July 8, 1955, ch. 301, § 9(d), 69 Stat. 288; July 18, 1956, ch. 627, § 9(d), 70 Stat. 560; Aug. 14, 1957, Pub. L. 85-141, § 9(d), 71 Stat. 363; June 30, 1958, Pub. L. 85-477, ch. IV, § 401(b), 72 Stat. 269, related to shipping on United States vessels. See section 2353 of this title.

Section 1762, acts Aug. 26, 1954, ch. 937, ch. IV, § 510, 68 Stat. 853; June 30, 1958, Pub. L. 85-477, ch. IV, § 401(c), ch. V, § 501(19), 72 Stat. 269, 271; July 24, 1959, Pub. L. 86-108, ch. IV, § 401(d), 73 Stat. 253, related to the purchase of commodities in bulk and to surplus agricultural commodities. See section 2354 of this title.

Section 1763, acts Aug. 26, 1954, ch. 937, ch. IV, § 511, 68 Stat. 853; Aug. 14, 1957, Pub. L. 85-141, § 9(e), 71 Stat. 363; June 30, 1958, Pub. L. 85-477, ch. V, § 501(20), (21), 72 Stat. 271, provided for the preservation of military stock and the retention and return of equipment. See section 2355 of this title.

Section 1764, act Aug. 26, 1954, ch. 937, ch. IV, § 512, 68 Stat. 854, prescribed penalties for accepting commissions, etc., for procurement services by United States officers and employees.

Section 1765, act Aug. 26, 1954, ch. 937, ch. IV, § 513, as added Aug. 14, 1957, Pub. L. 85-141, § 9(f), 71 Stat. 363, and amended June 30, 1958, Pub. L. 85-477, ch. V, § 501(22), 72 Stat. 271; May 14, 1960, Pub. L. 86-472, ch. IV, § 401(d), 74 Stat. 139, provided for notice to legislative committees. See section 2394(d) of this title.

§ 1766. Omitted

CODIFICATION

Section, act Aug. 26, 1954, ch. 937, ch. IV, § 514, 68 Stat. 854, related to reservation of foreign currencies or credits owed to or by the United States by the Secretary of the Treasury for sale to the Department of State for international educational exchange activities on basis of dollar value at time of reservation. See sections 2362 and 2455 of this title.

§§ 1766a to 1766c. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section 1766a, act Aug. 26, 1954, ch. 937, ch. IV, § 515, as added July 18, 1956, ch. 627, § 9(e), 70 Stat. 560, related to authorization for grant of contract authority. See section 2365 of this title.

Section 1766b, act Aug. 26, 1954, ch. 937, ch. IV, § 516, as added June 30, 1958, Pub. L. 85-477, ch. IV, § 401(d), 72 Stat. 269, prohibited use of funds for debt retirement.

Section 1766c, act Aug. 26, 1954, ch. 937, ch. IV, § 517, as added June 30, 1958, Pub. L. 85-477, ch. IV, § 401(d), 72 Stat. 269, and amended July 24, 1959, Pub. L. 86-108, ch. IV, § 401(e), 73 Stat. 253; May 14, 1960, Pub. L. 86-472, ch. IV, § 401(e), 74 Stat. 139, related to completion of plans and cost estimates, and to computation of benefits and costs. See section 2361 of this title.

§ 1767. Repealed. Pub. L. 85-141, § 11(d), Aug. 14, 1957, 71 Stat. 365

Section, act Aug. 26, 1954, ch. 937, title V, § 547, 68 Stat. 864, provided for a general limitation on authorizations.

§§ 1767a, 1768. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section 1767a, act Aug. 26, 1954, ch. 937, ch. IV, § 548, as added July 8, 1955, ch. 301, § 11, 69 Stat. 289, and amended July 18, 1956, ch. 627, § 11(c), 70 Stat. 565, related to availability of unexpended balances of funds. See section 2404 of this title.

Section 1768, acts Aug. 26, 1954, ch. 937, ch. IV, § 543, 68 Stat. 861; Aug. 14, 1957, Pub. L. 85-141, § 11(a), 71 Stat. 365; June 30, 1958, Pub. L. 85-477, ch. IV, § 401(g), 72 Stat. 270; July 24, 1959, Pub. L. 86-108, ch. IV, § 401(k), 73 Stat. 255, contained savings provisions. See section 2392 of this title.

§§ 1781, 1782. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section 1781, acts Aug. 26, 1954, ch. 937, ch. IV, § 521, 68 Stat. 855; July 18, 1956, ch. 627, § 10(a), 70 Stat. 560; Aug. 14, 1957, Pub. L. 85-141, § 10(a), 71 Stat. 363; June 30, 1958, Pub. L. 85-477, ch. V, § 501(24), (25), 72 Stat. 271, empowered the President to delegate his authority and provided for the promulgation of rules and regulations. See section 2381 of this title.

Section 1782, acts Aug. 26, 1954, ch. 937, ch. IV, § 522, 68 Stat. 855; July 18, 1956, ch. 627, § 10(b), 70 Stat. 560; June 30, 1958, Pub. L. 85-477, ch. V, § 501(26), 72 Stat. 272, related to allocation and transfer of funds among Government agencies, utilization of services and facilities, reimbursement for military assistance, commodities, services, and facilities, establishment of accounts, and to charge of expenses to appropriation. See section 2392 of this title.

§ 1783. Coordination with foreign policy

(a) to (c) Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460.

(d) Whenever the President determines that the prevention of improper currency transactions in a given country requires it, he may direct the chief of the United States diplomatic mission there to issue regulations applicable to members of the Armed Forces and officers and employees of the United States Government, and to contractors with the United States Government and their employees, governing the extent to which their pay and allowances received and to be used in that country shall be paid in local currency. Notwithstanding any other law, United States Government agencies are authorized and directed to comply with such regulations.

(Aug. 26, 1954, ch. 937, ch. IV, § 523, 68 Stat. 856; Aug. 14, 1957, Pub. L. 85-141, § 10(b), 71 Stat. 364; June 30, 1958, Pub. L. 85-477, ch. V, § 501(27), 72 Stat. 272; July 24, 1959, Pub. L. 86-108, ch. IV, § 401(f), 73 Stat. 253; May 14, 1960, Pub. L. 86-472, ch. IV, § 401(f), 74 Stat. 139; Sept. 4, 1961, Pub. L. 87-195, pt. III, § 642(a)(2), pt. IV, § 707, 75 Stat. 460, 464.)

AMENDMENTS

1961—Subsecs. (a) to (c). Pub. L. 87-195, § 642(a)(2), repealed former subsecs. (a) to (c), which related to powers and functions of the Secretary of State, required the President to prescribe procedures to assure coordination among representatives of the Government, and made the Secretary of State responsible for the continuous supervision and general direction of the assistance programs. See section 2382 of this title.

Subsec. (d). Pub. L. 87-195, § 707, substituted "prevention of improper currency transactions" for "achievement of United States foreign policy objectives".

1960—Subsec. (d). Pub. L. 86-472 added subsec. (d).

1959—Subsec. (b). Pub. L. 86-108, § 401(f)(1), required the chief of the diplomatic mission to make sure that recommendations of representatives pertaining to military assistance are coordinated with political and economic considerations.

Subsec. (c). Pub. L. 86-108, § 401(f)(2), substituted provisions making the Secretary of State responsible for the continuous supervision and general direction of the assistance programs for provisions which required the Secretary of State to coordinate the various forms of assistance and to determine the value of the

program under subchapter II of this chapter for any country.

1958—Subsec. (c)(2). Pub. L. 85-477 substituted "subchapter II of this chapter" for "sections 1811 to 1817 of this title".

1957—Subsec. (c). Pub. L. 85-141 added subsec. (c).

REPEALS

Section 707 of Pub. L. 87-195, which amended this section, was repealed by section 401 of Pub. L. 87-565, pt. IV, Aug. 1, 1962, 76 Stat. 263, except insofar as section 707 affected this section.

STUDY OF AGENCIES ENGAGED IN FOREIGN ECONOMIC ACTIVITIES

Section 604 of Pub. L. 86-472, ch. VI, May 14, 1960, 74 Stat. 141, which related to study of agencies engaged in foreign economic activities, was repealed by Pub. L. 87-195, pt. III, § 642(a)(8), Sept. 4, 1961, 75 Stat. 460.

§§ 1784 to 1795. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section 1784, acts Aug. 26, 1954, ch. 937, ch. IV, § 524, 68 Stat. 856; July 8, 1955, ch. 301, § 10(a), 69 Stat. 288; Aug. 14, 1957, Pub. L. 85-141, § 10(c), 71 Stat. 364; June 30, 1958, Pub. L. 85-477, ch. V, § 501(28), 72 Stat. 272, prescribed the duties of the Secretary of Defense. See section 2383 of this title.

Section 1785, acts Aug. 26, 1954, ch. 937, ch. IV, § 525, 68 Stat. 856; July 8, 1955, ch. 301, § 10(b), 69 Stat. 288; Aug. 14, 1957, Pub. L. 85-141, § 10(d), 71 Stat. 364 authorized the transfer of functions of the Foreign Operations Administration.

Section 1786, acts Aug. 26, 1954, ch. 937, ch. IV, § 526, 68 Stat. 857; July 8, 1955, ch. 301, § 10(c), 69 Stat. 289, authorized the maintenance of special missions and staffs abroad. See section 2391 of this title.

Section 1787, acts Aug. 26, 1954, ch. 937, ch. IV, § 527, 68 Stat. 857; July 31, 1956, ch. 804, title I, § 113, 70 Stat. 740; Aug. 14, 1957, Pub. L. 85-141, § 10(e), 71 Stat. 364; June 30, 1958, Pub. L. 85-477, ch. IV, § 401(e), 72 Stat. 269; July 24, 1959, Pub. L. 86-108, ch. IV, § 401(g), 73 Stat. 253; May 14, 1960, Pub. L. 86-472, ch. IV, § 401(g), ch. V, § 501(c), (d), 74 Stat. 139, 140, related to the employment of personnel. See section 2385 of this title.

Section 1788, act Aug. 26, 1954, ch. 937, ch. IV, § 528, 68 Stat. 858, authorized the detail of personnel to foreign governments. See section 2387 of this title.

Section 1789, act Aug. 26, 1954, ch. 937, ch. IV, § 529, 68 Stat. 858, authorized the detail of personnel to international organizations. See section 2388 of this title.

Section 1790, act Aug. 26, 1954, ch. 937, ch. IV, § 530, 68 Stat. 859; July 8, 1955, ch. 301, § 10(d), 69 Stat. 289; July 18, 1956, ch. 627, § 10(c), 70 Stat. 561; May 14, 1960, Pub. L. 86-472, ch. V, § 501(e), 74 Stat. 140, authorized the employment of experts and consultants. See section 2386 of this title.

Section 1791, acts Aug. 26, 1954, ch. 937, ch. IV, § 531, 68 Stat. 859; May 14, 1960, Pub. L. 86-472, ch. IV, § 401(h), 74 Stat. 139, related to security clearance.

Section 1792, acts Aug. 26, 1954, ch. 937, ch. IV, § 532, 68 Stat. 859; July 18, 1956, ch. 627, § 10(d), 70 Stat. 561, related to the exemption of personnel from certain federal laws. See section 2386 of this title.

Section 1793, act Aug. 26, 1954, ch. 937, ch. IV, § 533, 68 Stat. 860, provided for the waiver of certain Federal laws. See section 2393 of this title.

Section 1793a, act Aug. 26, 1954, ch. 937, ch. IV, § 533A, as added July 24, 1959, Pub. L. 86-108, ch. IV, § 401(h), 73 Stat. 253, and amended May 14, 1960, Pub. L. 86-472, ch. IV, § 401(l), 74 Stat. 140, established the Office of Inspector General and Comptroller and transferred certain functions thereto. See section 2384 of this title.

Section 1794, acts Aug. 26, 1954, ch. 937, ch. V, § 534, 68 Stat. 860; July 8, 1955, ch. 301, § 10(e), 69 Stat. 289; Aug. 14, 1957, Pub. L. 85-141, § 10(f), 71 Stat. 364; July 24, 1959, Pub. L. 86-108, ch. IV, § 401(i), 73 Stat. 254; May 14, 1960, Pub. L. 86-472, ch. IV, § 401(j), 74 Stat. 140, provided for reports to Congress and for furnishing documents and other material to the General Accounting Office and committees of Congress. See section 2394 of this title.

Section 1794a, act Aug. 26, 1954, ch. 937, ch. IV, § 550, as added July 24, 1959, Pub. L. 86-108, ch. IV, § 401(m), 73 Stat. 255, required the President to make public information concerning the mutual security program not deemed to be incompatible with the security of the United States. See section 2394(b) of this title.

Section 1795, acts Aug. 26, 1954, ch. 937, ch. IV, § 535, 68 Stat. 860; July 18, 1956, ch. 627, § 10(e), 70 Stat. 561; Aug. 14, 1957, Pub. L. 85-141, § 10(g), 71 Stat. 364, related to cooperation with nations and international organizations.

§ 1796. Participation in Joint Commission on Rural Reconstruction in China

The President is authorized to continue to participate in the Joint Commission on Rural Reconstruction in China and to appoint citizens of the United States to the Commission.

(Aug. 26, 1954, ch. 937, ch. IV, § 536, 68 Stat. 861.)

§ 1797. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section, act Aug. 26, 1954, ch. 937, ch. IV, § 537, as added July 18, 1956, ch. 627, § 10(f), 70 Stat. 561, and amended Aug. 14, 1957, Pub. L. 85-141, §§ 6, 10(h), 71 Stat. 357, 364; June 30, 1958, Pub. L. 85-477, ch. IV, § 401(f), ch. V, § 501(29), 72 Stat. 270, 272; July 24, 1959, Pub. L. 86-108, ch. IV, § 401(j), 73 Stat. 255; May 14, 1960, Pub. L. 86-472, ch. IV, § 401(k), (*l*), ch. V, § 501(f), 74 Stat. 140, related to uses of funds under this chapter. See section 2396 of this title.

SUBCHAPTER II—MILITARY ASSISTANCE

§§ 1811 to 1817. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section 1811, act Aug. 26, 1954, ch. 937, ch. I, § 101, 68 Stat. 833, stated the Congressional declaration of purpose for military assistance. See section 2301 of this title.

Section 1811a, act Aug. 26, 1954, ch. 937, § 2, formerly ch. IV, § 549, as added July 8, 1955, ch. 301, § 11, 69 Stat. 289, renumbered and amended July 18, 1956, ch. 627, § 2, 70 Stat. 555; July 24, 1959, Pub. L. 86-108, § 2, 73 Stat. 246; May 14, 1960, Pub. L. 86-472, § 2, 74 Stat. 134, stated the Congressional declaration of purpose for this chapter. See sections 2151 and 2301 of this title.

Section 1812, act Aug. 26, 1954, ch. 937, ch. I, § 102, 68 Stat. 833, related to the basis and terms of military assistance. See section 2395 of this title.

Section 1813, acts Aug. 26, 1954, ch. 937, ch. I, § 103, 68 Stat. 833; July 8, 1955, ch. 301, § 2(a) to (c), 69 Stat. 283; July 18, 1956, ch. 627, § 3(a), 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, § 2(a), 71 Stat. 355; June 30, 1958, Pub. L. 85-477, ch. I, § 101, 72 Stat. 261; July 24, 1959, Pub. L. 86-108, ch. I, § 101(a), 73 Stat. 247; May 14, 1960, Pub. L. 86-472, ch. I, § 101(a), 74 Stat. 134, authorized appropriations for military assistance. See section 2312 of this title.

Section 1814, acts Aug. 26, 1954, ch. 937, ch. I, § 104, 68 Stat. 834; Aug. 14, 1957, Pub. L. 85-141, § 2(b), 71 Stat. 356, authorized NATO infrastructure contributions.

Section 1815, acts Aug. 26, 1954, ch. 937, ch. I, § 105, 68 Stat. 834; July 8, 1955, ch. 301, § 2(d) to (f), 69 Stat. 284; July 18, 1956, ch. 627, § 3(b), 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, § 2(c), 71 Stat. 356; June 30, 1958, Pub. L. 85-477, ch. I, §§ 102, 103, 72 Stat. 262; July 24, 1959, Pub. L. 86-108, ch. I, § 101(b), 73 Stat. 247; May

14, 1960, Pub. L. 86-472, ch. I, § 101(b), 74 Stat. 134, prescribed the conditions and eligibility for military assistance. See section 2314 of this title.

Section 1816, act Aug. 26, 1954, ch. 937, ch. I, § 106, 68 Stat. 836, authorized the President to sell military equipment, materials and services and prescribed the manner of payment. See sections 2342 and 2343 of this title.

Section 1817, acts Aug. 26, 1954, ch. 937, ch. I, § 107, 68 Stat. 836; Aug. 14, 1957, Pub. L. 85-141, § 2(d), 71 Stat. 356, authorized the waiver of certain laws. See section 2393 of this title.

COMMUNIST REGIME IN CHINA

Act July 8, 1955, ch. 301, § 12, 69 Stat. 290, which reiterated the opposition of Congress to the seating in the United Nations of the Communist China regime, was repealed by Pub. L. 87-195, pt. III, § 642(a)(3), Sept. 4, 1961, 75 Stat. 460. See note under section 2151 of this title.

§ 1818. Repealed. Pub. L. 85-141, § 2(e), Aug. 14, 1957, 71 Stat. 356

Section, acts Aug. 26, 1954, ch. 937, title I, § 108, 68 Stat. 837; July 8, 1955, ch. 301, § 2(g), 69 Stat. 284, authorized, until June 30, 1956, the transfer of military equipment and supplies to Japan.

§ 1819. Accounting for military assistance funds; incurment of obligations in anticipation of reimbursement; restriction on withdrawal

Funds heretofore or hereafter allocated to the Department of Defense from any appropriation for military assistance (including funds consolidated with any such appropriation but excepting funds obligated directly against any such appropriation for offshore procurement or other purposes) shall be accounted for by geographic area and by country solely on the basis of the value of materials delivered and services performed (such value to be determined in accordance with the applicable provisions of law governing the administration of military assistance). Within the limits of amounts available from funds so allocated, the Department of Defense is authorized to incur, in applicable appropriations, obligations in anticipation of reimbursement from such allocations, and no funds so allocated and available shall be withdrawn by administrative action until the Secretary of Defense shall certify that they are not required for liquidation of obligations so incurred.

(Aug. 2, 1955, ch. 491, § 108, 69 Stat. 438.)

CODIFICATION

Section was enacted as part of section 108 of the Mutual Security Appropriation Act, 1956, and not as part of the Mutual Security Act of 1954, which comprises this chapter. No other part of section 108 was classified to this Code.

REPEALS

Act Sept. 3, 1954, ch. 1262, § 110, 68 Stat. 1224, which contained similar provisions, was repealed by part of section 108 of act Aug. 2, 1955.

§§ 1831 to 1834. Repealed. Pub. L. 85-141, § 3, Aug. 14, 1957, 71 Stat. 356

Section 1831, acts Aug. 26, 1954, ch. 937, title I, § 121, 68 Stat. 837; July 8, 1955, ch. 301, § 3(a), 69 Stat. 284, authorized appropriations for assistance for Southeast Asia and Western Pacific for the fiscal year 1955.

Sections 1832, 1833, act Aug. 26, 1954, ch. 937, title I, §§ 122, 123, 68 Stat. 837, 838, authorized appropriations for fiscal year 1955 for the manufacture in the United Kingdom of military aircraft, and for the provision of any common-use equipment, materials, commodities, or services which are to be used by military forces of nations receiving assistance.

Section 1834, act Aug. 20, 1954, ch. 937, title I, § 124, as added July 8, 1955, ch. 301, § 3(b), 69 Stat. 284, authorized appropriations for the fiscal year 1956 to provide assistance in the form of direct forces support to be delivered or rendered directly to the military forces of nations eligible for military assistance.

SUBCHAPTER III—ECONOMIC ASSISTANCE

PART A—DEFENSE SUPPORT

§ 1841. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section, acts Aug. 26, 1954, ch. 937, ch. II, § 131, 68 Stat. 838; July 8, 1955, ch. 301, § 4, 69 Stat. 284; July 18, 1956, ch. 627, § 4, 70 Stat. 556; Aug. 14, 1957, Pub. L. 85-141, § 4(a), 71 Stat. 356; June 30, 1958, Pub. L. 85-477, ch. II, § 201, ch. V, § 501(3), (4), 72 Stat. 262, 270; July 24, 1959, Pub. L. 86-108, ch. II, § 201, 73 Stat. 248; May 14, 1960, Pub. L. 86-472, ch. II, § 201(a), (b), 74 Stat. 134, authorized economic assistance to sustain and increase the military effort and provided for executive authority to furnish assistance, appropriations, marine insurance and assistance for Korea. See section 2354(d) of this title.

§ 1842. Repealed. Pub. L. 85-141, § 4(b), Aug. 14, 1957, 71 Stat. 356

Section, act Aug. 26, 1954, ch. 937, title I, § 132, 68 Stat. 838, authorized appropriations for defense support, relief and rehabilitation, and other necessary assistance for those parts of Korea which the President determined to be not under Communist control.

§§ 1851, 1852. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section 1851, acts Aug. 26, 1954, ch. 937, ch. II, § 141, 68 Stat. 839; June 30, 1958, Pub. L. 85-477, ch. V, § 501(6), 72 Stat. 270; May 14, 1960, Pub. L. 86-472, ch. II, § 201(c), 74 Stat. 135, prescribed the conditions of eligibility.

Section 1852, acts Aug. 26, 1954, ch. 937, ch. II, § 142, 68 Stat. 839; July 8, 1955, ch. 301, § 5, 69 Stat. 285; Aug. 14, 1957, Pub. L. 85-141, § 5(a), 71 Stat. 356; June 30, 1958, Pub. L. 85-477, ch. II, § 202, ch. V, § 501(7, 8), 72 Stat. 262, 271; July 24, 1959, Pub. L. 86-108, ch. II, § 202, 73 Stat. 248; May 14, 1960, Pub. L. 86-472, ch. II, § 201(d), 74 Stat. 135, related to agreements by recipient nations for the furnishing of defense support or military equipment and materials.

§ 1853. Assistance to Yugoslavia

In furnishing assistance to Yugoslavia, the President shall continuously assure himself (1) that Yugoslavia continues to maintain its independence, (2) that Yugoslavia is not participating in any policy or program for the Communist conquest of the world, and (3) that the furnishing of such assistance is in the interest of the national security of the United States. The President shall keep the Foreign Relations Committee and the Appropriations Committee of the Senate and the Speaker of the House of Representatives fully and constantly informed of any assistance furnished to Yugoslavia under this chapter.

(Aug. 26, 1954, ch. 937, ch. II, § 143, as added July 18, 1956, ch. 627, § 5, 70 Stat. 556, and amended Aug. 14, 1957, Pub. L. 85-141, § 5(b), 71 Stat. 356.)

AMENDMENTS

1957—Pub. L. 85-141 required the President to continuously assure himself that Yugoslavia continues to maintain its independence, that she is not participating in any policy or program for the Communist conquest of the world, and that the furnishing of assistance is in the interest of national security, and provided that certain committees of the Senate and the Speaker of the House of Representatives should be constantly informed of assistance furnished.

§ 1854. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section, act Aug. 26, 1954, ch. 937, ch. II, § 144, as added Aug. 14, 1957, Pub. L. 85-141, § 5(c), 71 Stat. 357, and amended June 30, 1958, Pub. L. 85-477, ch. V, § 501(9), 72 Stat. 271, authorized assistance to Southeast Asia.

PART B—DEVELOPMENT LOAN FUND

§§ 1870 to 1876. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), (4), Sept. 4, 1961, 75 Stat. 460

Section 1870, act July 18, 1956, ch. 627, § 14, 70 Stat. 566, stated the Congressional declaration of policy to promote the economic development of underdeveloped countries. See section 2151 of this title.

Section 1871, act Aug. 26, 1954, ch. 937, ch. II, § 201, as added Aug. 14, 1957, Pub. L. 85-141, § 6, 71 Stat. 357, and amended May 14, 1960, Pub. L. 86-472, ch. II, § 202(a), 74 Stat. 135, stated the Congressional declaration of purpose for the development loan program. See section 2151 of this title.

Section 1872, act Aug. 26, 1954, ch. 937, ch. II, § 202, as added Aug. 14, 1957, Pub. L. 85-141, § 6, 71 Stat. 357, and amended June 30, 1958, Pub. L. 85 477, ch. II, § 203(a), ch. V, § 501(10), 72 Stat. 262, 271; July 24, 1959, Pub. L. 86-108, ch. II, § 203(a), 73 Stat. 248; May 14, 1960, Pub. L. 86-472, ch. II, § 202(b), 74 Stat. 135, created the Development Loan Fund, authorized the Fund to make loans, credits or guaranties, provided for repayment, administration, and reports, and restricted allocation, reservation, earmarking, commitment, or set-aside of funds. See section 2161 of this title.

Section 1873, act Aug. 26, 1954, ch. 937, ch. II, § 203, as added Aug. 14, 1957, Pub. L. 85-141, § 6, 71 Stat. 358, and amended July 24, 1959, Pub. L. 86-108, ch. II, § 203(b), 73 Stat. 248, authorized appropriations for the capitalization of the Fund. See section 2162 of this title.

Section 1874, act Aug. 26, 1954, ch. 937, ch. II, § 204, as added Aug. 14, 1957, Pub. L. 85-141, § 6, 71 Stat. 358, and amended June 30, 1958, Pub. L. 86-477, ch. II, § 203(b), 72 Stat. 263; July 24, 1959, Pub. L. 86-108, ch. II, § 203(c), 73 Stat. 249, related to fiscal provisions for the Fund. See section 2163 of this title.

Section 1875, act Aug. 26, 1954, ch. 937, ch. II, § 205, as added Aug. 14, 1957, Pub. L. 85-141, § 6, 71 Stat. 358, and amended June 30, 1958, Pub. L. 85-477, ch. II, § 203(c), 72 Stat. 263; July 24, 1959, Pub. L. 86-108, ch. II, § 203(d), 73 Stat. 249; May 14, 1960, Pub. L. 86-472, ch. II, § 202(c), ch. V, § 501(a), 74 Stat. 135, 140, related to the management of the Fund, and the powers and authority of the Board of Directors.

Section 1876, act Aug. 26, 1954; ch. 937, ch. II, § 205, as added Aug. 14, 1957, Pub. L. 85-141, § 6, 71 Stat. 359, provided for the applicability of functions of the National Advisory Council on International Monetary and Financial Problems.

PART C—TECHNICAL COOPERATION

§§ 1891 to 1896. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section 1891, act Aug. 26, 1954, ch. 937, ch. II, § 301, 68 Stat. 841, stated the Congressional declaration of policy and purpose for technical cooperation.

Section 1892, act Aug. 26, 1954, ch. 937, ch. II, § 302, 68 Stat. 841, related to the authority of the President and defined technical cooperation programs. See section 2171 of this title.

Section 1893, act Aug. 26, 1954, ch. 937, ch. II, § 303, 68 Stat. 841, enumerated prerequisites to assistance. See section 2171 of this title.

Section 1894, acts Aug. 26, 1954, ch. 937, ch. II. § 304, 68 Stat. 842; July 8, 1955, ch. 301, § 7(a), 69 Stat. 285; July 18, 1956, ch. 627; § 7(a), 70 Stat. 557; Aug. 14, 1957, Pub. L. 85-141, § 7(a), 71 Stat. 359; June 30, 1958, Pub. L. 85-477, ch. II, § 204(a), 72 Stat. 265; July 24, 1959, Pub. L. 86-108, ch. II, § 204(a), 73 Stat. 249; May 14, 1960, Pub. L. 86-472, ch. II, § 203(a), 74 Stat. 136, authorized appropriations for technical cooperation programs. See section 2172 of this title.

Section 1895, act Aug. 26, 1954, ch. 937, ch. II, § 305, 68 Stat. 842, related to limitation on the use of funds.

Section 1896, acts Aug. 26, 1954, ch. 937, ch. II, § 306, 68 Stat. 842; July 8, 1955, ch. 301, § 7(b), 69 Stat. 285; July 18, 1956, ch. 627, § 7(b), 70 Stat. 557; Aug. 14, 1957, Pub. L. 85-141, § 7(b), 71 Stat. 359; June 30, 1958, Pub. L. 85-477, ch. II, § 204(b), 72 Stat. 265; July 24, 1959, Pub. L. 86-108, ch. II, § 204(b), 73 Stat. 249; May 14, 1960, Pub. L. 86-472, ch. II, § 203(b), 74 Stat. 136, authorized appropriations for multilateral technical cooperation and related programs.

§ 1896a. Restriction on commitments for technical assistance

No commitment for the calendar year 1955 or thereafter, with respect to contributions to the United Nations expanded program of technical assistance, shall be pledged on behalf of the United States until the Congress appropriates for said purpose.

(Sept. 3, 1954, ch. 1262, § 101, 68 Stat. 1221.)

CODIFICATION

Section was enacted as a part of section 101 of the Mutual Security Appropriation Act, 1955. No other part of section 101 of the Mutual Security Appropriation Act, 1955, was classified to this Code.

§ 1896b. Colombo Plan Council for Technical Cooperation; authorization

To enable the United States to maintain membership in the Colombo Plan Council for Technical Cooperation, there is authorized to be appropriated from time to time to the Department of State such sums as may be necessary for the payment by the United States of its share of the expenses of the Colombo Plan Council for Technical Cooperation.

(Pub. L. 86-108, ch. V, § 502, July 24, 1959, 73 Stat. 256.)

CODIFICATION

Section was enacted as part of the Mutual Security Act of 1959.

ANNUAL APPROPRIATIONS

Annual appropriations to meet obligations of membership in the Colombo Plan Council for Technical Cooperation were contained in the following Department of State Appropriation Acts:

Pub. L. 94-362, title I, § 101, July 14, 1976, 90 Stat. 938.

Pub. L. 94-121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

Pub. L. 93-433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

Pub. L. 93-162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

Pub. L. 92-544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

Pub. L. 92-77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.
Pub. L. 91-472, title I, § 101, Oct. 21, 1970, 84 Stat. 1041.

§ 1897. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section, acts Aug. 26, 1954, ch. 937, ch. II, § 307, 68 Stat. 842; July 18, 1956, ch. 627, § 7(c), 70 Stat. 557; May 14, 1960, Pub. L. 86-472, ch. II, § 203(c), 74 Stat. 136, authorized advances and grants-in-aid for the technical cooperation program.

§ 1898. Repealed. Pub. L. 86-472, ch. II, § 203(d), May 14, 1960, 74 Stat. 136

Section, acts Aug. 26, 1954, ch. 937, ch. II, § 308, 68 Stat. 842; July 8, 1955, ch. 301, § 7(c), 69 Stat. 286; July 24, 1959, Pub. L. 86-108, ch. II, § 204(c), 73 Stat. 249, created an advisory board and provided for its duties, membership, allowances, and expenses.

PART D—SPECIAL ASSISTANCE AND OTHER PROGRAMS

§§ 1920, 1921. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section 1920, act Aug. 26, 1954, ch. 937, ch. II, § 400, as added Aug. 14, 1957, Pub. L. 85-141, § 8(a), 71 Stat. 360, and amended June 30, 1958, Pub. L. 85-477, ch. II, § 205(a), 72 Stat. 266; July 24, 1959, Pub. L. 86-108, ch. II, § 205(a), 73 Stat. 249; May 14, 1960, Pub. L. 86-472, ch. II, § 204(a), 74 Stat. 136, authorized assistance for special programs to maintain political or economic stability, for programs of economic development in Latin America and for schools and libraries abroad. See section 2171 et seq. of this title.

Section 1921, act Aug. 26, 1954, ch. 937, ch. II, § 401, as added July 24, 1959, Pub. L. 86-108, ch. II, § 205(b), 73 Stat. 249, and amended May 14, 1960, Pub. L. 86-472, ch. II, § 204(b), 74 Stat. 136, authorized contributions to the United Nations Emergency Fund. See section 2221 of this title.

§ 1922. Surplus agricultural commodities; funds for shipments

Of the funds authorized to be made available in the fiscal year 1961 pursuant to this chapter (other than funds made available pursuant to sections 1871 to 1876 of this title), not less than $175,000,000 shall be used to finance the export and sale for foreign currencies or the grant of surplus agricultural commodities or products thereof produced in the United States, in addition to surplus agricultural commodities or products transferred pursuant to the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.], and in accordance with the standards as to pricing and the use of private trade channels expressed in section 101 of said Act [7 U.S.C. 1701]. Foreign currency proceeds accruing from such sales shall be used for the purposes of this chapter and with particular emphasis on the purposes of section 104 of the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1704] which are in harmony with the purposes of this chapter. Notwithstanding section 724 of title 31, or any other provision of law, the President may use or enter into agreements with friendly nations or organizations of nations to use for such purposes the foreign currencies which accrue to the United States under this section. Surplus food commodities or products thereof made available for transfer under this chapter (or any other Act) as a grant or as a sale for foreign currencies may also be made available to the maximum extent practicable to eligible domestic recipients pursuant to section 1431 of title 7, or to needy persons within the United States pursuant to clause (2) of section 612c of title 7.

(Aug. 26, 1954, ch. 937, title IV, § 402, 68 Stat. 843; July 8, 1955, ch. 301, § 8(b), 69 Stat. 286; July 18, 1956, ch. 627, § 8(b), 70 Stat. 558; Aug. 14, 1957, Pub. L. 85-141, § 8(c), 71 Stat. 361; June 30, 1958, Pub. L. 85-477, ch. II, § 205(b), 72 Stat. 266; July 24, 1959, Pub. L. 86-108, ch. II, § 205(c), 73 Stat. 250; May 14, 1960, Pub. L. 86-472, ch. II, § 204(c), 74 Stat. 136.)

REFERENCES IN TEXT

Sections 1871 to 1876 of this title, referred to in text, were repealed by Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460.

The Agricultural Trade and Development and Assistance Act of 1954, referred to in text, is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified generally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of title 7 and Tables volume.

CODIFICATION

Provisions of this section which amended section 1431 of Title 7, Agriculture, by substituting "waste of commodities whether in private stocks or acquired through price-support operations" for "waste of commodities acquired through price-support operations" were omitted.

AMENDMENTS

1960—Pub. L. 86-472 substituted "1961" for "1960".

1959—Pub. L. 86-108 substituted "1960" for "1959" and "foreign currencies or the grant of" for "foreign currencies of", and inserted provisions permitting surplus food commodities or products thereof made available for transfer as a grant or as a sale for foreign currencies to be made available to eligible domestic recipients or to needy persons within the United States.

1958—Pub. L. 85-477 substituted "1959" for "1958".

1957—Pub. L. 85-141 authorized use of not less than $175,000,000 for fiscal year 1958, and eliminated provisions which related to funds for fiscal years 1956 and 1957.

1956—Act July 18, 1956, authorized use of not less than $250,000,000 for fiscal year 1957.

1955—Act July 8, 1955, substituted "for the fiscal year 1956, not less than $300,000,000" for "not less than $350,000,000".

LIMITATION ON USE OF FOREIGN CURRENCIES

Pub. L. 85-853, § 108, Aug. 28, 1958, 72 Stat. 1102, which provided limitation on use of foreign currencies, was repealed by Pub. L. 87-195, pt. III, § 642(a)(6), Sept. 4, 1961, 75 Stat. 460.

§§ 1923, 1924. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 85 Stat. 460

Section 1923, act Aug. 26, 1954, ch. 937, ch. II, § 403, as added June 30, 1958, Pub. L. 85-477, ch. II, § 205(c), 72 Stat. 266, and amended July 24, 1959, Pub. L. 86-108, ch. II, § 205(d), 73 Stat. 250; May 14, 1960, Pub. L. 86-472, ch. II, § 204(d), 74 Stat. 136, authorized the use of funds to meet responsibilities in Germany. See section 2364(b) of this title.

Section 1924, act Aug. 26, 1954, ch. 937, ch. II, § 404, as added May 14, 1960, Pub. L. 86-472, ch. II, § 204(e), 74 Stat. 136, related to the Indus Basin Development. See section 2223 of this title.

§ 1925. Repealed

Subsecs. (a), (c), and (d), acts Aug. 26, 1954, ch. 937, ch. II, § 405(a), (c), (d), 68 Stat. 844; July 8, 1955, ch. 301, § 8(d), 69 Stat. 286; July 18, 1956, ch. 627, § 8(d), 70 Stat. 558; Aug. 14, 1957, Pub. L. 85-141, § 8(e), 71 Stat. 361; June 30, 1958, Pub. L. 85-477, ch. II, § 205(d), ch. V, § 501(13), 72 Stat. 266, 271; July 24, 1959, Pub. L. 86-108, ch. II, § 205(e), 73 Stat. 250; May 14, 1960, Pub. L. 86-472, ch. II, § 204(f), 74 Stat. 137, related to movement of migrants, refugees, and escapees, and were repealed by Pub. L. 87-510, § 6, June 28, 1962, 76 Stat. 124. See section 2601(a), (b)(1) of this title.

Subsec. (b), act Aug. 26, 1954, ch. 937, ch. II, § 405(b), 68 Stat. 844, which related to the use of funds to facilitate the migration of persons resident in the Ryukyu Island Archipelago, was repealed by Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460. See section 1945(b) of this title.

§§ 1926, 1927. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section 1926, acts Aug. 26, 1954, ch. 937, ch. II, § 406, 68 Stat. 844; July 8, 1955, ch. 301, § 8(e), 69 Stat. 286; July 18, 1956, ch. 627, § 8(e), 70 Stat. 558; Aug. 14, 1957, Pub. L. 85-141, § 8(f), 71 Stat. 361; June 30, 1958, Pub. L. 85-477, ch. II, § 205(e), 72 Stat. 266; July 24, 1959, Pub. L. 86-108, ch. II, § 205(f), 73 Stat. 250; May 14, 1960, Pub. L. 86-472, ch. II, § 204(g), 74 Stat. 137, authorize appropriations for the United Nations Children's Fund.

Section 1927, acts Aug. 26, 1954, ch. 937, ch. II, § 407, 68 Stat. 844; July 8, 1955, ch. 301, § 8(f), 69 Stat. 286; July 18, 1956, ch. 627, § 8(f), 70 Stat. 558; Aug. 14, 1957, Pub. L. 85-141, § 8(g), 71 Stat. 361; June 30, 1958, Pub. L. 85-477, ch. II, § 205(f), 72 Stat. 266; July 24, 1959, Pub. L. 86-108, ch. II, § 205(g), 73 Stat. 250; May 14, 1960, Pub. L. 86-472, ch. II, § 204(h), 74 Stat. 137, authorized appropriations for contributions to Palestine refugees in the Near East. See section 2221 of this title.

§ 1928. North Atlantic Treaty Organization

(a) Authorization for expenses

In order to provide for United States participation in the North Atlantic Treaty Organization, there is authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its share of the expenses of the organization and all necessary salaries and expenses of the United States permanent representative to the organization, of such persons as may be appointed to represent the United States in the subsidiary bodies of the organization or in any multilateral organization which participates in achieving the aims of the North Atlantic Treaty, and of their appropriate staffs, and the expenses of participation in meetings of such organizations, including salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801), and allowances and expenses as provided in section 287r of this title.

(b) Appointment of personal representative

The United States permanent representative to the North Atlantic Treaty Organization shall be appointed by the President by and with the advice and consent of the Senate and shall hold office at the pleasure of the President. Such representative shall have the rank and status of ambassador extraordinary and plenipotentiary and shall be a chief of mission, class 1, within the meaning of the Foreign Service Act of 1946, as amended (22 U.S.C. 801).

(c) Duration of staff service

Persons detailed to the international staff of the North Atlantic Treaty Organization in accordance with section 1789 of this title who are appointed as Foreign Service Reserve officers may serve for periods of more than five years notwithstanding the limitation in section 922 of this title.

(Aug. 26, 1954, ch. 937, title IV, § 408, 68 Stat. 845; Aug. 14, 1957, Pub. L. 85-141, § 8(h), 71 Stat. 361; July 24, 1959, Pub. L. 86-108, ch. II, § 205(h), 73 Stat. 250.)

REFERENCES IN TEXT

The Foreign Service Act of 1946, as amended (22 U.S.C. 801), referred to in subsecs. (a) and (b), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

Section 1789 of this title, referred to in subsec. (c), was repealed by Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, and is covered by section 2388 of this title.

AMENDMENTS

1959—Subsec. (c). Pub. L. 86-108 substituted "five years" for "four years".

1957—Subsec. (a). Pub. L. 85-141 eliminated provisions authorizing appropriations of not more than $3,200,000 for the fiscal year 1955.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in the North Atlantic Treaty Organization were contained in the following Department of State Appropriations Act:

Pub. L. 94-362, title I, § 101, July 14, 1976, 90 Stat. 938.

Pub. L. 94-121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

Pub. L. 93-433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

Pub. L. 93-162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

Pub. L. 92-544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

Pub. L. 92-77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

Pub. L. 91-472, title I, § 101, Oct. 21, 1970, 84 Stat. 1041.

NORTH ATLANTIC TREATY ORGANIZATION; BALANCE OF PAYMENTS DEFICIT; EQUITABLE COST SHARING; REPORT TO CONGRESS

Pub. L. 93-155, title VIII, § 812, Nov. 16, 1973, 87 Stat. 619, provided that:

"(a) The Congress finds that in order to achieve a more equitable sharing of the costs and expenses arising from commitments and obligations under the North Atlantic Treaty, the President should seek, through appropriate bilateral and multilateral arrangements, payments sufficient in amount to offset fully any balance-of-payment deficit incurred by the United States during the fiscal year ending June 30, 1974, as the result of the deployment of forces in Europe in fulfillment of the treaty commitments and obligations of the United States. This balance-of-payment deficit shall be determined by the Secretary of Commerce in consultation with the Secretary of Defense and the Comptroller General of the United States.

"(b) In the event that the North Atlantic Treaty Organization members (other than the United States) fail to offset the net balance-of-payment deficit de-

scribed in subsection (a) prior to the expiration of eighteen months after the date of enactment of this section [Nov. 16, 1973], no funds may be expended after the expiration of twenty-four months following the date of enactment of this section [Nov. 16, 1973] for the purpose of maintaining or supporting United States forces in Europe in any number greater than a number equal to the average monthly number of United States forces assigned to duty in Europe during the fiscal year ending June 30, 1974, reduced by a percentage figure equal to the percentage figure by which such balance-of-payment deficit during such fiscal year was not offset.

"(c) The Congress further finds (1) that the other members of the North Atlantic Treaty Organization should, in order to achieve a more equitable sharing of the cost burden under the treaty, substantially increase their contributions to assist the United States in meeting those added budgeting expenses incurred as the result of maintaining and supporting United States forces in Europe, including, but not limited to, wages paid to local personnel by the United States, recurring expenses incurred in connection with the maintenance and operation of real property, maintenance facilities, supply depots, cold storage facilities, communications systems, and standby operations, and nonrecurring expenses such as the construction and rehabilitation of plants and facilities; (2) that the amount paid by the United States in connection with the North Atlantic Treaty infrastructure program should be reduced to a more equitable amount; and (3) that the President should seek, through appropriate bilateral and multilateral arrangements, a substantial reduction of the amounts paid by the United States in connection with those matters described in (1) and (2) above.

"(d) The President shall submit to the Congress within ninety days after the date of enactment of this Act [Nov. 16, 1973], and at the end of each ninety-day period thereafter, a written report informing the Congress of the progress that has been made in implementing the provisions of this section."

United States Citizens Commission on NATO

Pub. L. 86-719, Sept. 7, 1960, 74 Stat. 818, as amended by Pub. L. 87-116, July 31, 1961, 75 Stat. 242, provided for a United States Citizens Commission on NATO to terminate on June 30, 1962, including the appointment of the Commission, vacancies, chairman and vice chairman, statement of purpose, conferences in NATO countries, representative status, authority of Commission, compensation and expenses, appropriations, and reports to Congress.

Ex. Ord. No. 11623. Security Clearance Program For United States Citizens Employed Directly by NATO, SEATO, and CENTO

Ex. Ord. No. 11633. Dec. 3, 1971, 36 F.R. 23197, provided:

The United States now participates in the activities of the North Atlantic Treaty Organization (NATO), the South-East Asia Treaty Organization (SEATO), and the Central Treaty Organization (CENTO). The Security regulations of these three treaty organizations provide that each participating nation shall be responsible for the security screening and security clearance of its own citizens before they are authorized access to the Organization's TOP SECRET, SECRET, or CONFIDENTIAL information. There is no existing program, however, under which United States civilians who are hired directly by these organizations can be screened and cleared for access to such Organization's TOP SECRET, SECRET, or CONFIDENTIAL information while so employed. It is, of course, in the interest of the United States that United States citizens who participate in the activities of NATO, SEATO, and CENTO as direct hire employees of the civil or military agencies of those organizations be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States. At the same time, it is a fundamental principle of our Government to protect against unreasonable or unwarranted encroachment on the freedom and privacy of individuals.

I have determined that the provisions and procedures prescribed by this Order are necessary to assure the preservation of the integrity of the classified information of NATO, SEATO, and CENTO, and to protect the national interest. I have also determined that these provisions and procedures recognize the rights of individuals affected thereby and provide maximum possible safeguards to protect such rights.

Now, Therefore, by virtue of the authority vested in me by the Constitution and statutes of the United States, and as Commander-in-Chief of the Armed Forces of the United States, it is ordered as follows:

Section 1. The Secretary of Defense shall establish a program and, by regulation, shall prescribe such specific requirements, restrictions, and other safeguards as he considers necessary for the administration of procedures whereby "Certificates of Security Clearance" for the United States citizens directly employed by civil or military agencies of NATO, SEATO, or CENTO may be provided to these international organizations when they so request. Such program shall also provide for the denial, revocation, or suspension of such "Certificates."

Sec. 2. Subject to the provisions of applicable international agreements, the procedures established by the Secretary of Defense shall, insofar as is practical, be similar to those established by him pursuant to the authority vested in him by Executive Order No. 10865 of February 20, 1960, as amended [set out as a note under section 401 of Title 50, War and National Defense].

Sec. 3. The substance of the criteria, safeguards, and procedures provided in Sections 2, 3, 4, 5, 6, 7, and 9 of Executive Order No. 10865, as amended [set out as a note under section 401 of Title 50, War and National Defense], shall be incorporated in the regulations of the Secretary of Defense governing the program established hereunder.

Sec. 4. Any authority vested in the Secretary of Defense by this Order may be delegated to the Deputy Secretary of Defense or an Assistant Secretary of Defense.

Richard Nixon.

Section Referred to in Other Sections

This section is referred to in section 2390 of this title.

§ 1928a. North Atlantic Treaty Parliamentary Conference; participation; appointment of United States Group

Not to exceed eighteen Members of Congress shall be appointed to meet jointly and annually with representative parliamentary groups from other NATO (North Atlantic Treaty Organization) members, for discussion of common problems in the interests of the maintenance of peace and security in the North Atlantic area. Of the Members of the Congress to be appointed for the purposes of this resolution (hereinafter designated as the "United States Group"), half shall be appointed by the Speaker of the House from Members of the House, and half shall be appointed by the President of the Senate from Members of the Senate. Not more than five of the appointees from the respective Houses shall be of the same political party.

(July 11, 1956, ch. 562, § 1, 70 Stat. 523; Dec. 16, 1963, Pub. L. 88-205, pt. IV, § 406, 77 Stat. 392.)

Codification

This section was not enacted as part of the Mutual Security Act of 1954 which comprises this chapter.

AMENDMENTS

1963—Pub. L. 88-205 deleted "and when Congress is not in session" following "to meet jointly and annually".

§ 1928b. Authorization of appropriations

There is authorized to be appropriated annually, for the annual contribution of the United States toward the maintenance of the North Atlantic Assembly, such sum as may be agreed upon by the United States Group and approved by such Assembly, but in no event to exceed for any year an amount equal to 25 per centum of the total annual contributions made for that year by all members of the North Atlantic Treaty Organization toward the maintenance of such Assembly, and $50,000, $25,000 for the House delegation and $25,000 for the Senate delegation, or so much thereof as may be necessary, to assist in meeting the expenses of the United States Group of the North Atlantic Assembly for each fiscal year for which an appropriation is made, such appropriation to be dispersed on voucher to be approved by the Chairman of the House delegation and the Chairman of the Senate delegation.

(July 11, 1956, ch. 562, § 2, 70 Stat. 523; June 30, 1958, Pub. L. 85-477, ch. V, § 502(d), 72 Stat. 273; Nov. 14, 1967, Pub. L. 90-137, pt. IV, § 401(a), 81 Stat. 463; Feb. 7, 1972, Pub. L. 92-226, pt. IV, § 405, 86 Stat. 34.)

CODIFICATION

This section was not enacted as part of the Mutual Security Act of 1954 which comprises this chapter.

AMENDMENTS

1972—Pub. L. 92-226 increased annual appropriations authorization for expenses of the United States Group of the North Atlantic Assembly, including the amount for the House and Senate delegations from $15,000 to $25,000.

1967—Pub. L. 90-137 substituted "North Atlantic Assembly" for "North Atlantic Treaty Organization Parliamentary Conference" and "North Atlantic Treaty Parliamentary Conference" and "Assembly" for "Conference" in two instances, respectively.

1958—Pub. L. 85-477 substituted provisions authorizing an annual contribution towards the maintenance of the Conference of such sum as may be agreed upon but in no event to exceed for any year an amount equal to 25 per centum of the total annual contributions made for that year for maintenance, for provisions which authorized an annual contribution of $6,000 for maintenance.

ANNUAL APPROPRIATIONS

Annual appropriations to meet obligations of membership in the North Atlantic Assembly were contained in the following Department of State Appropriation Acts:

Pub. L. 94-362, title I, § 101, July 14, 1976, 90 Stat. 938.

Pub. L. 94-121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

Pub. L. 93-433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

Pub. L. 93-162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

Pub. L. 92-544, title I, § 101. Oct. 25, 1972, 86 Stat. 1110.

Pub. L. 92-77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

1970—Pub. L. 91-472, title I, § 101, Oct. 21, 1970, 84 Stat. 1041.

AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF 1959 ANNUAL MEETING OF NORTH ATLANTIC TREATY PARLIAMENTARY CONFERENCE

Section 702 of Pub. L. 86-108, ch. VII, July 24, 1959, 73 Stat. 258, authorized appropriations for expenses of 1959 annual meeting of North Atlantic Treaty Parliamentary Conference, and was repealed by Pub. L. 87-195, pt. III, § 642(a)(7), Sept. 4, 1961, 75 Stat. 460.

CROSS REFERENCES

Reports of expenditures by members of United States group, and by employees of the Senate or House of Representatives, see section 276c-1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1928e of this title.

§ 1928c. Report to the Congress

The United States Group of the North Atlantic Assembly shall submit to the Congress a report for each fiscal year for which an appropriation is made, including its expenditures under such appropriation.

(July 11, 1956, ch. 562, 70 Stat. 523; Nov. 14, 1967, Pub. L. 90-137, pt. IV, § 401(a)(2), 81 Stat. 463.)

CODIFICATION

This section was not enacted as part of the Mutual Security Act of 1954 which comprises this chapter.

AMENDMENTS

1967—Pub. L. 90-137 substituted "North Atlantic Assembly" for "North Atlantic Treaty Parliamentary Conference".

§ 1928d. Auditing and accounting

The certificate of the Chairman of the House delegation and the Senate delegation of the North Atlantic Assembly shall on and after July 11, 1956, be final and conclusive upon the accounting officers in the auditing of the accounts of the United States Group of the North Atlantic Assembly.

(July 11, 1956, ch. 562, § 4, 70 Stat. 524; Nov. 14, 1967, Pub. L. 90-137, pt. IV, § 401(a)(2), 81 Stat. 463.)

CODIFICATION

This section was not enacted as part of the Mutual Security Act of 1954 which comprises this chapter.

AMENDMENTS

1967—Pub. L. 90-137 substituted "North Atlantic Assembly" for "North Atlantic Treaty Parliamentary Conference" in two instances.

§ 1928e. North Atlantic Assembly; appropriations for expenses of annual meeting

In addition to the amounts authorized by section 1928b of this title, there is authorized to be appropriated $50,000 for fiscal year 1977 to meet the expenses incurred by the United States group in hosting the twenty-second annual meeting of the North Atlantic Assembly. Amounts appropriated under this section are authorized to remain available until expended.

(July 11, 1956, ch. 562, § 5, as added July 12, 1976, Pub. L. 94-350, title I, § 107, 90 Stat. 824.)

§ 1929. Repealed. Pub. L. 87–195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section, acts Aug. 26, 1954, ch. 937, ch. II, § 409, 68 Stat. 845; July 8, 1955, ch. 301, § 8(g), 69 Stat. 286; July 18, 1956, ch. 627, § 8(g), 70 Stat. 558; Aug. 14, 1957, Pub. L. 85–141, § 8(i), 71 Stat. 361; June 30, 1958, Pub. L. 85–477, ch. II, § 205(g), 72 Stat. 267; July 24, 1959, Pub. L. 86–108, ch. II, § 205(i), 73 Stat. 250; May 14, 1960, Pub. L. 86–472, ch. II, § 204(i), 74 Stat. 137, authorized payment of ocean freight charges and provided for arrangements for free entry.

§ 1930. Repealed. Pub. L. 86–108, ch. II, § 205(j), July 24, 1959, 73 Stat. 250

Section, acts Aug. 26, 1954, ch. 937, ch. II, § 410, 68 Stat. 846; July 8, 1955, ch. 301, § 8(h), 69 Stat. 287; July 18, 1956, ch. 627, § 8(h), 70 Stat. 558; Aug. 14, 1957, Pub. L. 85–141, § 8(j), 71 Stat. 361; June 30, 1958, Pub. L. 85–477, ch. II, § 205(h), ch. V, § 501(14), 72 Stat. 267, 271, authorized appropriations for carrying out the objectives of the Mutual Defense Assistance Control Act of 1951, section 1611 et seq. of this title.

§ 1931. Repealed. Pub. L. 87–195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section, acts Aug. 26, 1954, ch. 937, ch. II, § 411, 68 Stat. 846; July 8, 1955, ch. 301, § 8(i), 69 Stat. 287; July 18, 1956, ch. 627, § 8(i), 70 Stat. 558; Aug. 14, 1957, Pub. L. 85–141, § 8(k), 71 Stat. 362; June 30, 1958, Pub. L. 85–477, ch. II, § 205(i), ch. V, § 501(15), 72 Stat. 267, 271; July 24, 1959, Pub. L. 86–108, ch. II, § 205(k), 73 Stat. 250; May 14, 1960, Pub. L. 86–472, ch. II, § 204(j), ch. V, § 501(b), 74 Stat. 137, 140, related to the payment of administrative and other expenses. See sections 2396(b), (f) and 2397 of this title.

§ 1932. Repealed. Pub. L. 86–472, ch. II, § 204(k), May 14, 1960, 74 Stat. 138

Section, act Aug. 26, 1954, ch. 937, ch. II, § 412, as added July 24, 1959, Pub. L. 86–108, ch. II, § 205(*l*), 73 Stat. 250, authorized appropriations for the President's special education and training fund.

A prior section 412 of act Aug. 26, 1954, which authorized assistance to selected Chinese and Korean students for studying or teaching, or for research and related academic and technical activities in the United States, was repealed by Pub. L. 85–141, § 8(*l*), Aug. 14, 1957, 71 Stat. 362.

§ 1933. Repealed. Pub. L. 87–195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section, acts Aug. 26, 1954, ch. 937, ch. II, § 413, 68 Stat. 846; July 18, 1956, ch. 627, § 8(j), (k), 70 Stat. 558; June 30, 1958, Pub. L. 85–477, ch. II, § 205(j), 72 Stat. 267; July 24, 1959, Pub. L. 86–108, ch. II, § 205(m), 73 Stat. 251, related to the encouragement of free enterprise and private participation. See section 2351 of this title.

§ 1934. Repealed. Pub. L. 94–329, title II, § 212(b)(1), June 30, 1976, 90 Stat. 745

Section, acts Aug. 26, 1954, ch. 937, ch. II, § 414, 68 Stat. 848; June 30, 1958, Pub. L. 85–477, ch. II, § 205(k), 72 Stat. 267; Oct. 18, 1962, Pub. L. 87–845, § 5, 76A Stat. 698; Nov. 14, 1967, Pub. L. 90–137, pt. IV, § 403, 81 Stat. 463; Dec. 17, 1973, Pub. L. 93–189, § 27, 87 Stat. 732; Nov. 29, 1975, Pub. L. 94–141, title I, § 150(a), 89 Stat. 760, related to the authority of the President to control the export and import of arms, ammunition, and implements of war.

REFERENCE TO FORMER SECTION 1934 OF THIS TITLE DEEMED REFERENCE TO SECTION 2778

Section 212(b)(1) of Pub. L. 94–329 provided in part that: "Any reference to such section [this section] shall be deemed to be a reference to section 38 of the Arms Export Control Act [section 2778 of this title] and any reference to licenses issued under section 38 of the Arms Export Control Act shall be deemed to include a reference to licenses issued under section 414 of the Mutual Security Act of 1954."

SAVING PROVISIONS

Section 212(b)(2) of Pub. L. 94–329 provided that: "All determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under section 414 of the Mutual Security Act of 1954 [this section] shall continue in full force and effect until modified, revoked, or superseded by appropriate authority."

EXECUTIVE ORDER NO. 11432

Ex. Ord. No. 11432, Oct. 22, 1968, 33 F.R. 15701, formerly set out as a note under this section, which amended section 301 of Ex. Ord. No. 10973, Nov. 6, 1961, 26 F.R. 10469, in regard to delegation of certain functions concerning arms control to the Department of the Treasury, was eliminated from the Code in view of the subsequent amendment to section 301 by Ex. Ord. No. 11959, Jan. 18, 1977, 42 F.R. 4315.

§§ 1935, 1936. Repealed. Pub. L. 87–195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460

Section 1935, acts Aug. 26, 1954, ch. 937, ch. II, § 415, 68 Stat. 849; July 18, 1956, ch. 627, § 8(*l*), 70 Stat. 559, related to the stockpiling of supplies.

Section 1936, acts Aug. 26, 1954, ch. 937, ch. II, § 416, 68 Stat. 849; Aug. 14, 1957, Pub. L. 85–141, § 8(m), 71 Stat. 362, provided for the facilitation and encouragement of travel.

§ 1937. Irish counterpart account; approval of disposition

Pursuant to section 1513(b)(6) of this title, the disposition within Ireland of the unencumbered balance, in the amount of approximately 6,000,000 Irish pounds, of the special account of Irish funds established under article IV of the Economic Cooperation Agreement between the United States of America and Ireland, dated June 28, 1948, for the purposes of—

(1) scholarship exchange between the United States and Ireland;

(2) other programs and projects (including the establishment of an Agricultural Institute) to improve and develop the agricultural production and marketing potential of Ireland and to increase the production and efficiency of Irish industry; and

(3) development programs and projects in aid of the foregoing objectives,

is approved, as provided in the agreement between the Government of the United States of America and the Government of Ireland, dated June 17, 1954.

(Aug. 26, 1954, ch. 937, ch. II, § 417, 68 Stat. 849.)

REFERENCES IN TEXT

Section 1513(b)(6) of this title, referred to in the text, was repealed by section 542(a)(4) of act Aug. 26, 1954.

§ 1938. Repealed. July 18, 1956, ch. 627, § 8(m), 70 Stat. 559

Section, act Aug. 26, 1954, ch. 937, title IV, § 418, as added July 8, 1955, ch. 301, § 8(j), 69 Stat. 287, authorized the establishment of President's Fund for Asian Economic Development.

§§ 1939 to 1941. Repealed. Pub. L. 87-195, pt. III, § 642(a)(2), (7), Sept. 4, 1961, 75 Stat. 460

Section 1939, act Aug. 26, 1954, ch. 937, ch. II, § 419, as added Aug. 14, 1957, Pub. L. 85-141, § 8(n), 71 Stat. 362, and amended June 30, 1958, Pub. L. 85-477, ch. II, § 205(*l*), 72 Stat. 267; July 24, 1959, Pub. L. 86-108, ch. II, § 205(n), 73 Stat. 251; May 14, 1960, Pub. L. 86-472, ch. II, § 204(*l*), 74 Stat. 138, related to atoms for peace. See section 2171(c) of this title.

Act July 18, 1956, ch. 627, § 12, 70 Stat. 565, which was formerly classified to section 1939 of this title and authorized appropriations for atoms for peace, was repealed by Pub. L. 87-195, pt. III, § 642(a)(4) Sept. 4, 1961, 75 Stat. 460.

Section 1940, act Aug. 26, 1954, ch. 937, ch. II, § 420, as added Aug. 14, 1957, Pub. L. 85-141, § 8(n), 71 Stat. 362, and amended June 30, 1958, Pub. L. 85-477, ch. II, § 205(m), 72 Stat. 267, provided for a program of malaria eradication.

Section 1940a, act Aug. 26, 1954, ch. 937, ch. II, § 421, as added May 14, 1960, Pub. L. 86-472, ch. II, § 204(m), 74 Stat. 138, related to loans to small farmers. See section 2175 of this title.

Section 1941, Pub. L. 86-108, ch. V, § 501, July 24, 1959, 73 Stat. 255, provided for international cooperation in health. Subsec. (b) of section 501 of Pub. L. 86-108 was previously repealed by Pub. L. 86-472, ch. IV, § 602, May 14, 1960, 74 Stat. 141.

§ 1942. Development assistance in Latin America; Congressional declaration of policy

(a) It is the sense of the Congress that—

(1) the historic, economic, political, and geographic relationships among the American Republics are unique and of special significance and, as appropriate, should be so recognized in future legislation;

(2) although governmental forms differ among the American Republics, the peoples of all the Americas are dedicated to the creation and maintenance of governments which will promote individual freedom;

(3) the interests of the American Republics are so interrelated that sound social and economic progress in each is of importance to all and that lack of it in any American Republic may have serious repercussions in others;

(4) for the peoples of Latin America to continue to progress within the framework of our common heritage of democratic ideals, there is a compelling need for the achievement of social and economic advance adequate to meet the legitimate aspirations of the individual citizens of the countries of Latin America for a better way of life;

(5) there is a need for a plan of hemispheric development, open to all American Republics which cooperate in such plan, based upon a strong production effort, the expansion of foreign trade, the creation and maintenance of internal financial stability, the growth of free economic and social institutions, and the development of economic cooperation, including all possible steps to establish and maintain equitable rates of exchange and to bring about the progressive elimination of trade barriers;

(6) mindful of the advantages which the United States has enjoyed through the existence of a large domestic market with no internal trade barriers, and believing that similar advantages can accrue to all countries, it is the hope of the people of the United States that all American Republics will jointly exert sustained common efforts which will speedily achieve that economic cooperation in the Western Hemisphere which is essential for lasting peace and prosperity; and

(7) accordingly, it is declared to be the policy of the people of the United States to sustain and strengthen principles of individual liberty, free institutions, private enterprise, and genuine independence in the Western Hemisphere through cooperation with all American Republics which participate in a joint development program based upon self-help and mutual efforts.

(b) In order to carry forward the above policy, the Congress hereby—

(1) urges the President through our constitutional processes to develop cooperative programs on a bilateral or multilateral basis which will set forth specific plans of action designed to foster economic progress and improvements in the welfare and level of living of all the peoples of the American Republics on the basis of joint aid, mutual effort, and common sacrifice;

(2) proposes the development of workable procedures to expand hemispheric trade and to moderate extreme price fluctuations in commodities which are of exceptional importance in the economies of the American Republics, and encourages the development of regional economic cooperation among the American Republics;

(3) supports the development of a more accurate and sympathetic understanding among the peoples of the American Republics through a greater interchange of persons, ideas, techniques, and educational, scientific, and cultural achievements;

(4) supports the strengthening of free democratic trade unions to raise standards of living through improved management-labor relations;

(5) favors the progressive development of common standards with respect to the rights and the responsibilities of private investment which flows across national boundaries within the Western Hemisphere;

(6) supports the consolidation of the public institutions and agencies of inter-American cooperation, insofar as feasible, within the structure of the Organization of American States and the strengthening of the personnel resources and authority of the Organization in order that it may play a role of increasing importance in all aspects of hemispheric cooperation; and

(7) declares that it is prepared to give careful and sympathetic consideration to programs which the President may develop for the purpose of promoting these policies.

(Pub. L. 86-735, § 1, Sept. 8, 1960, 74 Stat. 869.)

CODIFICATION

This section was not enacted as part of the Mutual Security Act of 1954 which comprises this chapter.

SHORT TITLE

Pub. L. 88-205, pt. IV, § 401(a), Dec. 16, 1963, 77 Stat. 390, amended Pub. L. 86-735 to provide: "That this Act [enacting sections 1942 to 1945 of this title and amending section 1753a of this title] may be cited as the 'Latin American Development Act'."

DELEGATION OF FUNCTIONS

Functions of the President under sections 1942 to 1945 of this title delegated to the Secretary of State, see section 101 of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

REVISION OF SOCIAL PROGRESS TRUST FUND AGREEMENT

Section 36 of Pub. L. 93-189, Dec. 17, 1973, 87 Stat. 734, provided that:

"(a) The President or his delegate shall seek, as soon as possible a revision of the Social Progress Trust Fund Agreement (dated June 19, 1961) between the United States and the Inter-American Development Bank. Such revision should provide for the—

"(1) periodic transfer of unencumbered capital resources of such trust fund, and of any future repayments or other accruals otherwise payable to such trust fund, to the Inter-American Foundation, to be administered by the Foundation for purposes of part IV of the Foreign Assistance Act of 1969 (22 U.S.C. 290f and following);

"(2) utilization of such unencumbered capital resources, future repayments, and other accruals by the Inter-American Development Bank for purposes of sections 1 and 2 of the Latin American Development Act (22 U.S.C. 1942 and 1943) in such a way that the resources received in the currencies of the more developed member countries are utilized to the extent possible for the benefit of the lesser developed member countries; or

"(3) both the transfer described in paragraph (1) and the utilization described in paragraph (2).

"(b) Any transfer or utilization under this section shall be in such proportions as may be agreed to between the United States and the Inter-American Development Bank.

"(c) Any transfer under subsection (a)(1) shall be in the amounts, and in available currencies, determined in consultation with the Inter-American Foundation, to be required for its program purposes.

"(d) The revision of the Social Progress Trust Fund Agreement pursuant to this section shall provide that the President or his delegate shall specify, from time to time, after consultation with the Inter-American Development Bank, the particular currencies to be used in making the transfer or utilization described in this section.

"(e) Not later than January 1, 1974, the President shall report to Congress on his action taken pursuant to this section."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1943, 1945 of this title.

§ 1943. Authorization of appropr'ations; restrictions; reports to Committees

In order to carry out the purposes of section 1942 of this title, there is authorized to be appropriated to the President not to exceed $680,000,000, which shall remain available until expended, and which the President may use, subject to such further legislative provisions as may be enacted, in addition to other funds available for such purposes, on such terms and conditions as he may specify: *Provided*, That none of the funds made available pursuant to this section shall be used to furnish assistance to any country in Latin America being subjected to economic or diplomatic sanctions by the Organization of American States. The Secretary of State shall keep the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House currently informed about plans and programs for the utilization of such funds.

(Pub. L. 86-735, § 2, Sept. 8, 1960, 74 Stat. 870; Pub. L. 88-205, pt. IV, § 401(b), Dec. 16, 1963, 77 Stat. 390; H. Res. 163, Mar. 19, 1975.)

CODIFICATION

This section was not enacted as part of the Mutual Security Act of 1954 which comprises this chapter.

AMENDMENTS

1963—Pub. L. 88-205 substituted "$680,000,000" for "$500,000,000".

CHANGE OF NAME

The name of the Committee on Foreign Affairs of the House of Representatives was changed to Committee on International Relations effective Mar. 19, 1975, by House Resolution 163, 94th Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1945 of this title.

§ 1944. Reconstruction assistance in Chile; authorization of appropriations

There is authorized to be appropriated to the President not to exceed $100,000,000, which shall remain available until expended, for use, in addition to other funds available for such purposes, in the reconstruction and rehabilitation of Chile on such terms and conditions as the President may specify.

(Pub. L. 86-735, § 3, Sept. 8, 1960, 74 Stat. 870.)

CODIFICATION

This section was not enacted as part of the Mutual Security Act of 1954 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1945 of this title.

§ 1945. Utilization of funds for assistance in Latin America; availability for transportation of immigrants from Ryukyuan Archipelago

(a) Funds appropriated under sections 1943 and 1944 of this title may be used for assistance under sections 1942 to 1945 of this title pursuant to such provisions applicable to the furnishing of such assistance contained in any successor Act to the Mutual Security Act of 1954, as amended, as the President determines to be necessary to carry out the purposes for which such funds are appropriated.

(b) Of the funds appropriated under section 1943 of this title not more than $800,000 shall be available only for assisting in transporting to and settling in Latin America selected immigrants from that portion of the Ryukyuan Archipelago under United States administration.

(Pub. L. 86-735, § 4, as added Pub. L. 87-195, pt. IV, § 706, Sept. 4, 1961, 75 Stat. 463.)

REFERENCES IN TEXT

The Mutual Security Act of 1954, referred to in text, is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, 71 Stat. 355; June 30, 1958, Pub. L. 85-477, ch. 1, §§ 101 to 103, ch. II, §§ 201 to 205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub.

L. 86-108, § 2, ch. 1, § 101, ch. II, §§ 201 to 205(a) to (i), (k) to (n), ch. III, § 301, ch. IV, § 401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86-472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85-141, §§ 2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86-108, ch. II, §§ 205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86-472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94-329, title II, § 212(b)(1), June 30, 1976, 90 Stat. 745, except for sections 1754, 1783, 1796, 1853, 1922, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables volume.

CODIFICATION

This section was not enacted as part of the Mutual Security Act of 1954 which comprises this chapter.

REPEALS

Section 706 of Pub. L. 87-195, which amended this section was repealed by section 401 of Pub. L. 87-565, pt. IV, Aug. 1, 1962, 76 Stat. 263, except insofar as section 706 affected this section.

SUBCHAPTER IV—CONTINGENCY FUND

§ 1951. Repealed

Subsecs. (a) and (b), acts Aug. 26, 1954, ch. 937, ch. III, § 451(a), (b), 68 Stat. 843; July 8, 1955, ch. 301, § 8(a), 69 Stat. 286; July 18, 1956, ch. 627, § 8(a), 70 Stat. 557; Aug. 14, 1957, Pub. L. 85-141, § 8(b), 71 Stat. 360; June 30, 1958, Pub. L. 85-477, ch. III, § 301, ch. V, § 501(12)(B), 72 Stat. 268, 271; July 24, 1959, Pub. L. 86-108, ch. III, § 301, 73 Stat. 252; May 14, 1960, Pub. L. 86-472, ch. III, § 301, 74 Stat. 138, which related to the creation of the President's special authority and contingency fund authorized appropriations, were repealed by Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460. See section 2261 of this title.

Subsec. (c), acts Aug. 26, 1954, ch. 937, ch. III, § 451(c), 68 Stat. 843; July 8, 1955, ch. 301, § 8(a), 69 Stat. 286; July 18, 1956, ch. 627, § 8(a), 70 Stat. 557; Aug. 14, 1957, Pub. L. 85-141, § 8(b), 71 Stat. 360; June 30, 1958, Pub. L. 85-477, ch. III, § 301, ch. V, § 501(12)(B), 72 Stat. 268, 271; July 24, 1959, Pub. L. 86-108, ch. III, § 301, 73 Stat. 252; May 14, 1960, Pub. L. 86-472, ch. III, § 301, 74 Stat. 138, related to declaration of purpose and use of funds in connection with right of self-determination for people subject to captivity of Communist despotism, and was repealed by Pub. L. 87-510, § 6, June 28, 1962, 76 Stat. 124.

CHAPTER 24A—MIDDLE EAST PEACE AND STABILITY

Sec.
1961. Economic assistance.
1962. Military assistance; use of armed forces.
1963. United Nations Emergency Force.
1964. Report to Congress.
1965. Expiration.

§ 1961. Economic assistance

The President is authorized to cooperate with and assist any nation or group of nations in the general area of the Middle East desiring such assistance in the development of economic strength dedicated to the maintenance of national independence.

(Pub. L. 85-7, § 1, Mar. 9, 1957, 71 Stat. 5.)

APPROPRIATIONS, FISCAL YEAR 1957; RESTRICTION; REPORT TO CONGRESS

Pub. L. 85-7, § 3, Mar. 9, 1957, 71 Stat. 5, authorized the President to use, for the balance of fiscal year 1957, funds not to exceed $200,000,000 for military and economic assistance for the Middle East from appropriations available under the Mutual Security Act of 1954, restricted availability of funds for military assistance to funds appropriated for military assistance and for economic assistance to funds appropriated for other than military assistance, and required that funds not be available until 15 days after reports on the proposed use of funds be supplied to the appropriate Congressional committees.

§ 1962. Military assistance; use of armed forces

The President is authorized to undertake, in the general area of the Middle East, military assistance programs with any nation or group of nations of that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any such nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States.

(Pub. L. 85-7, § 2, Mar. 9, 1957, 71 Stat. 5.)

§ 1963. United Nations Emergency Force

The President should continue to furnish facilities and military assistance, within the provisions of applicable law and established policies, to the United Nations Emergency Force in the Middle East, with a view to maintaining the truce in that region.

(Pub. L. 85-7, § 4, Mar. 9, 1957, 71 Stat. 6.)

§ 1964. Report to Congress

The President shall whenever appropriate report to the Congress his action hereunder.

(Pub. L. 85-7, § 5, Mar. 9, 1957, 71 Stat. 6; Pub. L. 87-195, pt. IV, § 705, Sept. 4, 1961, 75 Stat. 463.)

AMENDMENTS

1961—Pub. L. 87-195 substituted "whenever appropriate" for "within the months of January and July of each year".

REPEALS

Section 705 of Pub. L. 87-195, which amended this section, was repealed by section 401 of Pub. L. 87-565, pt. IV, Aug. 1, 1962, 76 Stat. 263, except insofar as section 705 affected this section.

§ 1965. Expiration

This chapter shall expire when the President shall determine that the peace and security of the nations in the general area of the Middle East are reasonably assured by international conditions created by action of the United Nations or otherwise except that it may be terminated earlier by a concurrent resolution of the two Houses of Congress.

(Pub. L. 85-7, § 6, Mar. 9, 1957, 71 Stat. 6.)

CHAPTER 25—PROTECTION OF VESSELS ON THE HIGH SEAS AND IN TERRITORIAL WATERS OF FOREIGN COUNTRIES

Sec.
1971. Definition.
1972. Action by Secretary of State upon seizure of vessel by foreign country; preconditions.
1973. Reimbursement of owner for any direct charges paid to secure release of vessel and crew; source of reimbursement; definition of "other direct charge" certification of charges by Secretary of State; reimbursement as lien on vessel; termination of lien.
1974. Inapplicability of chapter to certain seizures.
1975. Action by Secretary on claims for amounts expended because of seizure; withholding amount of unpaid claim from foreign assistance funds.
1976. Authorization of appropriations.
1977. Reimbursement for seized commercial fishermen.
(a) Agreement to reimburse for actual costs, confiscation or spoilage of fish, and loss of income.
(b) Distribution of payments according to commercial fishing practices and procedures.
(c) Establishment of fees; amount of fees; credit of fees to separate Treasury account; payment from collected fees; authorization of appropriations.
(d) Finality of determinations; insured losses.
(e) Effective date.
(f) Definitions.
1978. Restriction on importation of fishery products from countries which violate international fishery conservation program.
(a) Certification to President.
(b) Notification to Congress.
(c) Importation of fish products from offending country prohibited.
(d) Penalties; forfeiture; customs laws.
(e) Enforcement.
(f) Regulations.
(g) Definitions.
1979. Fishermen's Protective Fund.

§ 1971. Definition

For the purposes of this chapter the term "vessel of the United States" shall mean any private vessel documented or certificated under the laws of the United States.

(Aug. 27, 1954, ch. 1018, § 1, 68 Stat. 883.)

Short Title

Pub. L. 90-482, § 4, Aug. 12, 1968, 82 Stat. 730, provided that: "The Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971-1976), as amended by this Act [sections 1971 to 1977 of this title], may be cited as the Fishermen's Protective Act of 1967'."

Cross References

Registry and recording, see section 11 et seq. of Title 46, Shipping.

§ 1972. Action by Secretary of State upon seizure of vessel by foreign country; preconditions

(1) If any vessel of the United States is seized by a foreign country on the basis of claims in territorial waters or the high seas which are not recognized by the United States; or

(2) any general claim of any foreign country to exclusive fishery management authority is recognized by the United States, and any vessel of the United States is seized by such foreign country on the basis of conditions and restrictions under such claim, if such conditions and restrictions—

(A) are unrelated to fishery conservation and management,

(B) fail to consider and take into account traditional fishing practices of vessels of the United States,

(C) are greater or more onerous than the conditions and restrictions which the United States applies to foreign fishing vessels subject to the exclusive fishery management authority of the United States (as established in title I of the Fishery Conservation and Management Act of 1976 [16 U.S.C. 1811 et seq.]), or

(D) fail to allow fishing vessels of the United States equitable access to fish subject to such country's exclusive fishery management authority;

and there is no dispute as to the material facts with respect to the location or activity of such vessel at the time of such seizure, the Secretary of State shall immediately take such steps as are necessary—

(i) for the protection of such vessel and for the health and welfare of its crew;

(ii) to secure the release of such vessel and its crew; and

(iii) to determine the amount of any fine, license, fee, registration fee, or other direct charge reimbursable under section 1973(a) of this title.

(Aug. 27, 1954, ch. 1018, § 2, 68 Stat. 883; Oct. 26, 1972, Pub. L. 92-569, § 1, 86 Stat. 1182; Apr. 13, 1976, Pub. L. 94-265, title IV, § 403(a)(1), 90 Stat. 360.)

References in Text

The Fishery Conservation and Management Act of 1976, referred to in par. (2)(C), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. Title I of the Act is classified generally to subchapter I (§ 1811 et seq.) of chapter 38 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 16 and Tables volume.

Amendments

1976—Pub. L. 94-265 redesignated existing subsecs. (a) and (b) as pars. (1) and (2) respectively, and, as so redesignated, in par. (1) struck out reference to rights in territorial waters, and in par. (2) substituted provisions relating to any general claim of any foreign country, conditions, and restrictions of seizure, lack of dispute as to material facts, and steps authorized for Secretary of State upon seizure, for provisions relating to lack of dispute as to material facts and actions authorized for Secretary of State upon seizure.

1972—Subsec. (b). Pub. L. 92-569 required the Secretary of State to take appropriate action to immediately ascertain the fees, fines, and other direct charges paid by a United States vessel owner to the seizing foreign country for the release of the vessel and its crew.

Effective Date of 1976 Amendment

Section 403(b) of Pub. L. 94-265 provided in part that the amendment made by subsection (a)(1) [which amended this section] shall take effect Mar. 1, 1977.

Effective Date of 1972 Amendment

Section 6 of Pub. L. 92-569 provided that: "The amendments made by this Act [enacting section 1979 of this title and amending sections 1972, 1973, 1975, and 1977 of this title] shall apply with respect to sei-

zures of vessels of the United States occurring on or after the date of the enactment of this Act [Oct. 26, 1972]; except that reimbursements under section 3 of the Fishermen's Protective Act of 1967 [section 1973 of this title] (as in effect before such date of enactment [Oct. 26, 1972]) may be made from the fund established by the amendment made by section 5 of this Act [enacting section 1979 of this title] with respect to any seizure of a vessel occurring before such date of enactment [Oct. 26, 1972] and after December 31, 1970, if no reimbursement was made before such date of enactment [Oct. 26, 1972]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1973, 1977 of this title.

§ 1973. Reimbursement of owner for any direct charges paid to secure release of vessel and crew; source of reimbursement; definition of "other direct charge"; certification of charges by Secretary of State; reimbursement as lien on vessel; termination of lien

(a) In any case where a vessel of the United States is seized by a foreign country under the conditions of section 1972 of this title and a fine, license fee, registration fee, or any other direct charge must be paid in order to secure the prompt release of the vessel and crew, the owners of the vessel shall be reimbursed by the Secretary of the Treasury in the amount certified to him by the Secretary of State as being the amount of the fine, license fee, registration fee, or any other direct charge actually paid. For purposes of this section, the term "other direct charge" means any levy, however characterized or computed (including, but not limited to, any computation based on the value of a vessel or the value of fish or other property on board a vessel), which is imposed in addition to any fine, license fee, or registration fee. Any reimbursement under this section shall be made from the Fishermen's Protective Fund established pursuant to section 1979 of this title.

(b) The Secretary of State shall make a certification under subsection (a) of this section as soon as possible after he is notified pursuant to section 1972(b) of this title of the amounts of the fines, fees, and other direct charges which were paid by the owners to secure the release of their vessel and crew. The amount of reimbursement made by the Secretary of the Treasury to the owners of any vessel under subsection (a) of this section shall constitute a lien on the vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the vessel may be. Any such lien shall terminate on the ninetieth day after the date on which the Secretary of the Treasury reimburses the owners under this section unless before such ninetieth day the United States initiates action to enforce the lien.

(Aug. 27, 1954, ch. 1018, § 3, 68 Stat. 883; Aug. 12, 1968, Pub. L. 90-482, § 2, 82 Stat. 730; Oct. 26, 1972, Pub. L. 92-569, § 2, 86 Stat. 1182; Apr. 13, 1976, Pub. L. 94-265, title IV, § 403(a)(2), 90 Stat. 360.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-265 added definition of the term "other direct charge".

1972—Subsec. (a). Pub. L. 92-569 designated existing provisions as subsec. (a), and in subsec. (a) as so designated, added provision that reimbursement under this section shall be made from the Fishermen's Protective Fund.

Subsec. (b). Pub. L. 92-569 added subsec. (b).

1968—Pub. L. 90-482 added ", license fee, registration fee, or any other direct charge" following "fine" wherever appearing.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 403(b) of Pub. L. 94-265 provided in part that the amendment made by subsection (a)(2) [which amended this section] shall apply with respect to seizures of vessels of the United States occurring on or after Dec. 31, 1974.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-569 applicable with respect to seizure of vessels of the United States occurring on or after Oct. 26, 1972, except that reimbursements under this section may be made from the fund established by section 1979 of this title with respect to seizure of vessels occurring after Dec. 31, 1970 and before Oct. 26, 1972 if no reimbursement was made before Oct. 26, 1972, see section 6 of Pub. L. 92-569, set out as an Effective Date of 1972 Amendment note under section 1972 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1972, 1975, 1977, 1979 of this title.

§ 1974. Inapplicability of chapter to certain seizures

The provisions of this chapter shall not apply with respect to a seizure made by a country at war with the United States or a seizure made in accordance with the provisions of any fishery convention or treaty to which the United States is a party.

(Aug. 27, 1954, ch. 1018, § 4, 68 Stat. 883.)

§ 1975. Action by Secretary on claims for amounts expended because of seizure; withholding amount of unpaid claim from foreign assistance funds

(a) The Secretary of State shall—

(1) immediately notify a foreign country of—

(A) any reimbursement made by the Secretary of the Treasury under section 1973 of this title as a result of the seizure of a vessel of the United States by such country,

(B) any payment made pursuant to section 1977 of this title in connection with such seizure, and

(2) take such action as he deems appropriate to make and collect claims against such foreign country for the amounts so reimbursed and payments so made.

(b) If a foreign country fails or refuses to make payment in full on any claim made under subsection (a)(2) of this section within one hundred and twenty days after the date on which such country is notified pursuant to subsection (a)(1) of this section, the Secretary of State shall transfer an amount equal to such unpaid claim or unpaid portion thereof from any funds appropriated by Congress and programed for the current fiscal year for assistance to the government of such country under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] unless the President certifies to the Congress that it is in the national interest not to do so in the particular instance (and if such funds are insufficient to cover such claim, transfer shall

be made from any funds so appropriated and programed for the next and any succeeding fiscal year) to (1) the Fishermen's Protective Fund established pursuant to section 1979 of this title if the amount is transferred with respect to an unpaid claim for a reimbursement made under section 1973 of this title, or (2) the separate account established in the Treasury of the United States pursuant to section 1977(c) of this title if the amount is transferred with respect to an unpaid claim for a payment made under section 1977(a) of this title. Amounts transferred under this section shall not constitute satisfaction of any such claim of the United States against such foreign country.

(Aug. 27, 1954, ch. 1018, § 5, 68 Stat. 883; Aug. 12, 1968, Pub. L. 90-482, § 3, 82 Stat. 730; Oct. 26, 1972, Pub. L. 92-569, § 3, 86 Stat. 1182.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1972—Pub. L. 92-569 substituted provisions that the Secretary of State notify the foreign country of reimbursements made under section 1973 of this title and payments made under section 1977 of this title, take appropriate action to make and collect claims against such foreign country and on failure to receive payment or on refusal to pay within 120 days after the notification, transfer an amount equal to the unpaid amount from funds programmed for assistance to that country to the Fishermen's Protective Fund or the separate account in the Treasury as the case may be, and in the case of inadequate funds programmed in the current fiscal year make the deduction from succeeding fiscal years, with exception that no such transfer be made when the President certifies to Congress that it is in the national interest not to do so, for provisions that the Secretary of State take appropriate action to collect claims against such foreign country and withhold amounts equal to the unpaid claims from the foreign assistance programmed for that fiscal year when such country fails or refuses to pay within 120 days of receipt of notice of claim.

1968—Pub. L. 90-482 added provisions authorizing the Secretary to act when payments are made pursuant to section 1977 of this title, and provisions authorizing the Secretary to withhold the amount of any unpaid claim against the foreign country from the foreign assistance funds programed for that country, such amounts withheld not to constitute satisfaction of any unpaid claim.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-569 applicable with respect to seizures of vessels of the United States occurring on or after Oct. 26, 1972, see section 6 of Pub. L. 92-569, set out as an Effective Date of 1962 Amendment note under section 1972 of this title.

EX. ORD. NO. 11772. DELEGATION OF CERTAIN AUTHORITY OF PRESIDENT TO SECRETARY OF STATE

Ex. Ord. No. 11772, Mar. 21, 1974, 39 F.R. 10879, provided:

By virtue of the authority vested in me by the Fishermen's Protective Act of 1967, as amended (22 U.S.C. 1971, et seq.), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, the Secretary of State is hereby designated and empowered to exercise, without ratification, or other action of the President, the function conferred upon the President by Section 5(b) of the Fishermen's Protective Act of 1967, as amended [subsec. (b) of this section], of certifying to the Congress that it is in the national interest not to transfer to the Fishermen's Protective Fund or to the separate account established under the Act, pursuant to that Section, amounts appropriated by the Congress and programmed for assistance under the Foreign Assistance Act of 1961 [section 2151 et seq. of this title].

RICHARD NIXON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1977, 1979 of this title.

§ 1976. Authorization of appropriations

There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this chapter.

(Aug. 27, 1954, ch. 1018, § 6, 68 Stat. 883.)

§ 1977. Reimbursement for seized commercial fishermen

(a) Agreement to reimburse for actual costs, confiscation or spoilage of fish, and loss of income

The Secretary, upon receipt of an application filed with him at any time after the effective date of this section by the owner of any vessel of the United States which is documented or certificated as a commercial fishing vessel, shall enter into an agreement with such owner subject to the provision of this section and such other terms and conditions as the Secretary deems appropriate. Such agreement shall provide that, if said vessel is seized by a foreign country and detained under the conditions of section 1972 of this title, the Secretary shall guarantee—

(1) the owner of such vessel for all actual costs, except those covered by section 1973 of this title, incurred by the owner during the seizure and detention period and as a direct result thereof, as determined by the Secretary, resulting (A) from any damage to, or destruction of, such vessel, or its fishing gear or other equipment, (B) from the loss or confiscation of such vessel, gear, or equipment, or (C) from dockage fees or utilities;

(2) the owner of such vessel and its crew for the market value of fish caught before seizure of such vessel and confiscated or spoiled during the period of detention; and

(3) the owner of such vessel and its crew for not to exceed 50 per centum of the gross income lost as a direct result of such seizure and detention, as determined by the Secretary of the Interior, based on the value of the average catch per day's fishing during the three most recent calendar years immediately preceding such seizure and detention of the vessel seized, or, if such experience is not available, then of all commercial fishing vessels of the United States engaged in the same fishery as that of the type and size of the seized vessel.

(b) Distribution of payments according to commercial fishing practices and procedures

Payments made by the Secretary under paragraphs (2) and (3) of subsection (a) of this section shall be distributed by the Secretary in accordance with the usual practices and procedures of the particular segment of the United

States commercial fishing industry to which the seized vessel belongs relative to the sale of fish caught and the distribution of the proceeds of such sale.

(c) Establishment of fees; amount of fees; credit of fees to separate Treasury account; payment from collected fees; authorization of appropriations

The Secretary shall from time to time establish by regulation fees which shall be paid by the owners of vessels entering into agreements under this section. Such fees shall be adequate (1) to recover the costs of administering this section, and (2) to cover a reasonable portion of any payments made by the Secretary under this section. The amount fixed by the Secretary shall be predicated upon at least 33⅓ per centum of the contribution by the Government. All fees collected by the Secretary shall be credited to a separate account established in the Treasury of the United States which shall remain available without fiscal year limitation to carry out the provisions of this section. If a transfer of funds is made to the separate account under section 1975(b)(2) of this title with respect to an unpaid claim and such claim is later paid, the amount so paid shall be covered into the Treasury as miscellaneous receipts. All payments under this section shall be made first out of such fees so long as they are available and thereafter out of funds which are hereby authorized to be appropriated to such account to carry out the provisions of this section.

(d) Finality of determinations; insured losses

All determinations made under this section shall be final. No payment under this section shall be made with respect to any losses covered by any policy of insurance or other provision of law.

(e) Effective date

The provisions of this section shall be effective until October 1, 1977.

(f) Definitions

For the purposes of this section—

(1) the term "Secretary" means the Secretary of Commerce.

(2) the term "owner" includes any charterer of a commercial fishing vessel.

(Aug. 27, 1954, ch. 1018, § 7, as added Aug. 12, 1968, Pub. L. 90-482, § 1, 82 Stat. 729, and amended Oct. 26, 1972, Pub. L. 92-569, § 4, 86 Stat. 1183; Oct. 27, 1972, Pub. L. 92-594, §§ 1, 2, 86 Stat. 1313; Apr. 21, 1976, Pub. L. 94-273, § 3(17), 90 Stat. 377.)

AMENDMENTS

1976—Subsec. (e). Pub. L. 94-273 substituted "October" for "July".

1972—Subsec. (c). Pub. L. 92-569 added provision that amounts paid subsequent to transfer to the separate account be covered into the Treasury as miscellaneous receipts.

Subsec. (e). Pub. L. 92-594, § 1, extended the provisions of this section until July 1, 1977, and struck out provisions relating to the issuance of regulations.

Subsec. (f)(1). Pub. L. 92-594, § 2, substituted "Secretary of Commerce" for "Secretary of the Interior".

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-569 applicable with respect to seizure of vessels of the United States occurring on or after Oct. 26, 1972, see section 6 of Pub. L. 92-569, set out as an Effective Date of 1972 Amendment note under section 1972 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1975 of this title.

§ 1978. Restriction on importation of fishery products from countries which violate international fishery conservation program

(a) Certification to President

When the Secretary of Commerce determines that nationals of a foreign country, directly or indirectly, are conducting fishing operations in a manner or under circumstances which diminish the effectiveness of an international fishery conservation program, the Secretary of Commerce shall certify such fact to the President. Upon receipt of such certification, the President may direct the Secretary of the Treasury to prohibit the bringing or the importation into the United States of fish products of the offending country for such duration as he determines appropriate and to the extent that such prohibition is sanctioned by the General Agreement on Tariffs and Trade.

(b) Notification to Congress

Within sixty days following certification by the Secretary of Commerce, the President shall notify the Congress of any action taken by him pursuant to such certification. In the event the President fails to direct the Secretary of the Treasury to prohibit the importation of fish products of the offending country, or if such prohibition does not cover all fish products of the offending country, the President shall inform the Congress of the reasons therefor.

(c) Importation of fish products from offending country prohibited

It shall be unlawful for any person subject to the jurisdiction of the United States knowingly to bring or import into, or cause to be imported into, the United States any fish products prohibited by the Secretary of the Treasury pursuant to this section.

(d) Penalties; forfeiture; customs laws

(1) Any person violating the provisions of this section shall be fined not more than $10,000 for the first violation, and not more than $25,000 for each subsequent violation.

(2) All fish products brought or imported into the United States in violation of this section, or the monetary value thereof, may be forfeited.

(3) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with this section.

(e) Enforcement

(1) Enforcement of the provisions of this section prohibiting the bringing or importation of fish products into the United States shall be the responsibility of the Secretary of the Treasury.

(2) The judges of the United States district courts, and United States magistrates may,

within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this chapter and regulations issued thereunder.

(3) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this section.

(4) Such person so authorized shall have the power—

(A) with or without a warrant or other process, to arrest any persons subject to the jurisdiction of the United States committing in his presence or view a violation of this section or the regulations issued thereunder;

(B) with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States, and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is engaging in operations in violation of this section or the regulations issued thereunder, then to arrest such person.

(5) Such person so authorized, may seize, whenever and wherever lawfully found, all fish products brought or imported into the United States in violation of this section or the regulations issued thereunder. Any fish products so seized may be disposed of pursuant to the order of a court of competent jurisdiction, or, if perishable, in a manner prescribed by regulations promulgated by the Secretary of the Treasury after consultation with the Secretary of Health, Education, and Welfare.

(f) Regulations

The Secretary of the Treasury is authorized to prescribe such regulations as he determines necessary to carry out the provisions of this section.

(g) Definitions

As used in this section—

(1) The term "person" means any individual, partnership, corporation, or association.

(2) The term "United States", when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, and the United States Virgin Islands.

(3) The term "international fishery conservation program" means any ban, restriction, regulation, or other measure in force pursuant to a multilateral agreement to which the United States is a signatory party, the purpose of which is to conserve or protect the living resources of the sea.

(4) The term "fish products" means fish and marine mammals and all products thereof taken by fishing vessels of an offending country whether or not packed, processed, or otherwise prepared for export in such country or within the jurisdiction thereof.

(Aug. 27, 1954, ch. 1018, § 8, as added Dec. 23, 1971, Pub. L. 92-219, 85 Stat. 786, and amended Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1108.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (d)(3), are classified generally to Title 19, Customs Duties.

CHANGE OF NAME

"United States magistrates" was substituted for "United States commissioners" pursuant to Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

§ 1979. Fishermen's Protective Fund

There is created a Fishermen's Protective Fund which shall be used by the Secretary of the Treasury to reimburse owners of vessels for amounts certified to him by the Secretary of State under section 1973 of this title. The amount of any claim or portion thereof collected by the Secretary of State from any foreign country pursuant to section 1975(a) of this title shall be deposited in the fund and shall be available for the purpose of reimbursing vessel owners under section 1973 of this title; except that if a transfer to the fund was made pursuant to section 1975(b)(1) of this title with respect to any such claim, an amount from the fund equal to the amount so collected shall be covered into the Treasury as miscellaneous receipts. There is authorized to be appropriated to the fund (1) the sum of $3,000,000 to provide initial capital, and (2) such additional sums as may be necessary from time to time to supplement the fund in order to meet the requirements of the fund.

(Aug. 27, 1954, ch. 1018, § 9, as added Oct. 26, 1972, Pub. L. 92-569, § 5, 86 Stat. 1183.)

EFFECTIVE DATE

Section applicable with respect to seizure of vessels of the United States occurring on or after Oct. 26, 1972, except that reimbursements under section 1973 of this title may be made from the fund established by this section with respect to seizure of vessels occurring after Dec. 31, 1970 and before Oct. 26, 1972, if no reimbursement was made before Oct. 26, 1972, see section 6 of Pub. L. 92-569, set out as an Effective Date of 1972 Amendment note under section 1972 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1973, 1975 of this title.

CHAPTER 26—ARMED FORCES PARTICIPATION IN INTERNATIONAL AMATEUR SPORTS COMPETITIONS

§§ 1981 to 1985. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569

Section 1981, acts July 1, 1947, ch. 203, § 1, 61 Stat. 243; Mar. 14, 1955, ch. 11, 69 Stat. 11, defined terms used in former sections 1981 to 1985 of this title, and is now covered by section 716 of Title 10, Armed Forces.

Section 1982, act July 1, 1947, ch. 203, § 2, as added Mar. 14, 1955, ch. 11, 69 Stat. 11, related to training, attendance, and participation, report to the Congress, and to funds and equipment, and is now covered by section 716 of Title 10.

Section 1983, act July 1, 1947, ch. 203, § 3, as added Mar. 14, 1955, ch. 11, 69 Stat. 11, prescribed limitations on expenditure of funds, and related to use of appropriations, and is now covered by section 716 of Title 10.

Sections 1984, 1985, act July 1, 1947, ch. 203, §§ 4, 5, as added Mar. 14, 1955, ch. 11, 69 Stat. 11, authorized payment of allowances, travel and transportation, and subsistence and quarters, and are covered by section 419 of Title 37, Pay and Allowances of the Uniformed Services.

CHAPTER 27—INTERNATIONAL CULTURAL EXCHANGE AND TRADE FAIR PARTICIPATION

§§ 1991 to 2001. Repealed. Pub. L. 87-256, § 111(a)(3), Sept. 21, 1961, 75 Stat. 538

Sections, act Aug. 1, 1956, ch. 811, §§ 2 to 12, 70 Stat. 778 to 780, related to international cultural exchange and trade fair participation. See section 2451 et seq. of this title.

Section 1991 stated the purpose of the chapter.

Section 1992 prescribed the authority of the President, and the appointment and compensation of the Commissioner General and principal representatives.

Section 1993 encouraged private participation and contributions of funds, property, and services.

Section 1994 authorized appropriations.

Section 1995 permitted the utilization of other laws in carrying out this chapter.

Section 1996 authorized expenditures for the acquisition of exhibits.

Section 1997 related to the performance of functions without regard to other laws.

Section 1998 required reports to Congress.

Section 1999 created the Advisory Committee on Arts; prescribed the qualifications, duties, terms of office and compensation of members; and provided for staff and secretarial services.

Section 2000 authorized the creation of interagency committees.

Section 2001 prescribed the extent of the cultural program.

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATION, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ACTIONS

Continuation in full force and effect, and applicability to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out as section 2451 et seq. of this title, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded; or taken under authority of these sections, see section 111(b) of Pub. L. 87-256, set out as a note under section 2451 of this title.

CHAPTER 28—INTERNATIONAL ATOMIC ENERGY AGENCY PARTICIPATION

Sec.

2021. Agency appointments by President.
(a) Representative and deputy representative; terms; functions.
(b) Specified sessions.
(c) Designation of other persons.
(d) Compensation; allowances and benefits.
2022. Purpose of participation; reports to Congress.
2023. Actions and votes of representatives.
2024. Authorization of appropriations for payment of expenses.
2025. Effect of employment on retirement, insurance, and other civil service rights and privileges.
(a) Federal employees.
(b) Presidential appointees or elected officers.
(c) Regulations.
2026. Termination of authority and participation in Agency.

CROSS REFERENCES

Atomic Energy Act of 1954, see section 2011 et seq. of Title 42, The Public Health and Welfare.

§ 2021. Agency appointments by President

(a) Representative and deputy representative; terms; functions

The President, by and with the advice and consent of the Senate, shall appoint a representative and a deputy representative of the United States to the International Atomic Energy Agency (referred to in this chapter as the "Agency"), who shall hold office at the pleasure of the President. Such representative and deputy representative shall represent the United States on the Board of Governors of the Agency, may represent the United States at the General Conference, and may serve ex officio as United States representative on any organ of that Agency, and shall perform such other functions in connection with the participation of the United States in the Agency as the President may from time to time direct.

(b) Specified sessions

The President, by and with the advice and consent of the Senate, may appoint or designate from time to time to attend a specified session or specified sessions of the General Conference of the Agency a representative of the United States and such number of alternates as he may determine consistent with the rules of procedure of the General Conference.

(c) Designation of other persons

The President may also appoint or designate from time to time such other persons as he may deem necessary to represent the United States in the organs of the Agency. The President may designate any officer of the United States Government, whose appointment is subject to confirmation by the Senate, to act, without additional compensation, for temporary periods as the representative of the United States on the Board of Governors or to the General Conference of the Agency in the absence or disability of the representative and deputy representative appointed under subsection (a) of this section or in lieu of such representatives in connection with a specified subject matter.

(d) Compensation; allowances and benefits

All persons appointed or designated in pursuance of authority contained in this section shall receive compensation at rates determined by the President upon the basis of duties to be performed but not in excess of rates authorized by sections 866 and 867 of this title, for Chiefs of Mission and Foreign Service officers occupying positions of equivalent importance, except that no Member of the Senate or House of Representatives or officer of the United States who is designated under subsection (b) or subsection (c) of this section as a delegate or representative of the United States or as an alternate to attend any specified session or specified sessions of the General Conference shall be entitled to receive such compensation. Any person who receives compensation pursuant to the provisions of this subsection may be granted allowances and benefits not to exceed those received by Chiefs of Mission and Foreign Service officers occupying positions of equivalent importance.

(Pub. L. 85-177, § 2, Aug. 28, 1957, 71 Stat. 453.)

SHORT TITLE

Section 1 of Pub. L. 85-177 provided that: "This Act [enacting this chapter and amending section 2074 of Title 42, The Public Health and Welfare] may be cited as the 'International Atomic Energy Agency Participation Act of 1957'."

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PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

Entitlement of Agency to privileges, exemptions, and immunities as an international organization, see note under section 288 of this title.

TERMINATION OF AUTHORITY UNDER THIS SECTION

Authority under this section to terminate if Senate refuses its advice and consent by a formal vote to an amendment to the Statute of the Agency, see section 2026 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2023, 2024, 2026 of this title.

§ 2022. Purpose of participation; reports to Congress

The participation of the United States in the International Atomic Energy Agency shall be consistent with and in furtherance of the purposes of the Agency set forth in its Statute and the policy concerning the development, use, and control of atomic energy set forth in the Atomic Energy Act of 1954, as amended [42 U.S.C. 2011 et seq]. The President shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress on the activities of the International Atomic Energy Agency and on the participation of the United States therein. In addition to any other requirements of law, the Department of State and the Atomic Energy Commission shall keep the Joint Committee on Atomic Energy, the House Committee on International Relations, and the Senate Committee on Foreign Relations, as appropriate, currently informed with respect to the activities of the Agency and the participation of the United States therein.

(Pub. L. 85–177, § 3, Aug. 28, 1957, 71 Stat. 453; H. Res. 163, Mar. 19, 1975.)

REPORT ON ACTIVITIES OF INTERNATIONAL ATOMIC ENERGY

Pub. L. 89–348, § 1(20), Nov. 8, 1965, 79 Stat. 1311, repealed provisions of this section which required the President to report to the Congress not less than once each year on the activities of the International Atomic Energy Agency and on the participation of the United States therein.

REFERENCES IN TEXT

"Statute" referred to in text is the "Statute of the International Atomic Energy Agency."

The Atomic Energy Act of 1954, as amended, referred to in text, is act Aug. 30, 1954, ch. 1073, 68 Stat. 921, as amended, which is classified generally to chapter 23 (§ 2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables volume.

CHANGE OF NAME

The name of the Committee on Foreign Affairs of the House of Representatives was changed to Committee on International Relations effective Mar. 19, 1975, by House Resolution 163, 94th Congress.

ABOLITION OF THE ATOMIC ENERGY COMMISSION

The Atomic Energy Commission was abolished and all functions of the Commission, and the officers and components of the Commission were transferred to and vested in the Administrator of the Energy Research and Development Administration with certain exceptions, by Pub. L. 93–433, Oct. 11, 1974, 88 Stat. 1233. See section 5814 of Title 42, The Public Health and Welfare.

TERMINATION OF AUTHORITY UNDER THIS SECTION

Authority under this section to terminate if Senate refuses its advice and consent by a formal vote to an amendment to the Statute of the Agency, see section 2026 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2026 of this title.

§ 2023. Actions and votes of representatives

The representatives provided for in section 2021 of this title, when representing the United States in the organs of the Agency, shall, at all times, act in accordance with the instructions of the President, and such representatives shall, in accordance with such instructions, cast any and all votes under the Statute of the International Atomic Energy Agency.

(Pub. L. 85–177, § 4, Aug. 28, 1957, 71 Stat. 454.)

TERMINATION OF AUTHORITY UNDER THIS SECTION

Authority under this section to terminate if Senate refuses its advice and consent by a formal vote to an amendment to the Statute of the Agency, see section 2026 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2026 of this title.

§ 2024. Authorization of appropriations for payment of expenses

There is authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment by the United States of its share of the expenses of the International Atomic Energy Agency as apportioned by the Agency in accordance with paragraph (D) of article XIV of the Statute of the Agency, and for all necessary salaries and expenses of the representatives provided for in section 2021 of this title and of their appropriate staffs, including personal services without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5; travel expenses without regard to the Standardized Government Travel Regulations, as amended, subchapter I of chapter 57 of title 5, and section 5731 of title 5, as amended; salaries as authorized by the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.], or as authorized by the Atomic Energy Act of 1954, as amended [42 U.S.C. 2011 et seq.], and expenses and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended; services as authorized by section 3109 of title 5; translating and other services, by contract; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section 501 of title 44; official functions and courtesies; such sums as may be necessary to defray the expenses of United States participation in the Preparatory Commission for the Agency, established pursuant to annex I of the Statute of the Agency; and such other expenses as may be authorized by the Secretary of State.

(Pub. L. 85–177, § 5, Aug. 28, 1957, 71 Stat. 454.)

REFERENCES IN TEXT

"Paragraph (D) of article XIV of the Statute of the Agency", referred to in the text, provides "The Board of Governors shall apportion the expenses referred to in subparagraph B–1 above, among members in accordance with a scale to be fixed by the General Conference. In fixing the scale the General Conference shall be guided by the principles adopted by the United Nations in assessing contributions of Member States to the regular budget of the United Nations".

The civil service laws, referred to in text, are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

The Foreign Service Act of 1946, as amended, referred to in text, is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

The Atomic Energy Act of 1954, as amended, referred to in text, is act Aug. 30, 1954, ch. 1073, 68 Stat. 921, as amended, which is classified generally to chapter 23 (§ 2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables volume.

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949, as amended" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

"Subchapter I of chapter 57 of title 5", "section 5731 of title 5", and "section 3109 of title 5", were substituted for "the Travel Expense Act of 1949, as amended", "section 73b of title 5", and "section 15 of the Act of August 2, 1946 (5 U.S.C. 55a)", respectively, on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees. In the original, "section 73b of title 5" read "Section 10 of the Act of March 3, 1933, as amended".

"Section 501 of title 44" was substituted for "section II of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90–620, Oct. 22, 1968, 82 Stat. 1305, section 1 of which enacted Title 44, Public Printing and Documents.

TERMINATION OF AUTHORITY UNDER THIS SECTION

Authority under this section to terminate if Senate refuses its advice and consent by a formal vote to an amendment to the Statute of the Agency, see section 2026 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2026 of this title.

§ 2025. Effect of employment on retirement, insurance, and other civil service rights and privileges

(a) Federal employees

Notwithstanding any other provision of law, Executive order or regulation, a Federal employee who, with the approval of the Federal agency or the head of the department by which he is employed, leaves his position to enter the employ of the Agency shall not be considered for the purposes of subchapter III of chapter 83 of title 5, and chapter 87 of title 5, as separated from his Federal position during such employment with the Agency but not to extend beyond the first three consecutive years of his entering the employ of the Agency: *Provided,* (1) That he shall pay to the Civil Service Commission within ninety days from the date he is separated without prejudice from the Agency all necessary deductions and agency contributions for coverage under subchapter III of chapter 83 of title 5 for the period of his employment by the Agency, and (2) That all deductions and agency contributions necessary for continued coverage under chapter 87 of title 5, shall be made during the term of his employment with the International Atomic Energy Agency. If such employee, within three years from the date of his employment with the Agency, and within ninety days from the date he is separated without prejudice from the Agency, applies to be restored to his Federal position, he shall within thirty days of such application be restored to such position or to a position of like seniority, status and pay.

(b) Presidential appointees or elected officers

Notwithstanding any other provision of law, Executive order or regulation, any Presidential appointee or elected officer who leaves his position to enter, or who within ninety days after the termination of his position enters, the employ of the Agency, shall be entitled to the coverage and benefits of subchapter III of chapter 83 of title 5, and chapter 87 of title 5, but not beyond the earlier of either the termination of his employment with the Agency or the expiration of three years from the date he entered employment with the Agency: *Provided,* (1) That he shall pay to the Civil Service Commission within ninety days from the date he is separated without prejudice from the Agency all necessary deductions and agency contributions for coverage under subchapter III of chapter 83 of title 5 for the period of his employment by the Agency, and (2) That all deductions and agency contributions necessary for continued coverage under chapter 87 of title 5, shall be made during the term of his employment with the Agency.

(c) Regulations

The President is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section and to protect the retirement, insurance and such other civil service rights and privileges as the President may find appropriate.

(Pub. L. 85–177, § 6, Aug. 28, 1957, 71 Stat. 454.)

REPEALS

Section 7 of Pub. L. 85–795, Aug. 28, 1958, 72 Stat. 962, provided that: "Section 6(a) of the International Atomic Energy Agency Participation Act of 1957 [subsec. (a) of this section], is repealed except that it shall be considered to remain in effect with respect to any employee subject thereto who is serving as an employee of the International Atomic Energy Agency on the date of enactment of this Act [Aug. 28, 1958] and who does not make the election referred to in section 6, and for the purposes of any rights and benefits vested thereunder prior to such date."

Section 7 of Pub. L. 85–795, Aug. 28, 1958, 72 Stat. 962, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 660. See section

8 of Pub. L. 89-554, set out as a note preceding section 101 of Title 5, Government Organization and Employees.

CODIFICATION

In subsecs. (a) and (b), "subchapter III of chapter 83 of title 5" was substituted for "the Civil Service Retirement Act, as amended" and "the Civil Service Retirement Act" in each subsection and "chapter 87 of title 5" was substituted for "the Federal Employees' Group Life Insurance Act of 1954, as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

EX. ORD. NO. 10774. CIVIL-SERVICE RIGHTS OF FEDERAL PERSONNEL WHO TRANSFER TO THE INTERNATIONAL ATOMIC ENERGY AGENCY

Ex. Ord. No. 10774, July 25, 1958, 23 F.R. 5681, provided:

SECTION 1. Subject to the restrictions and conditions set forth herein, the United States Civil Service Commission is designated and empowered to exercise the authority vested in the President by section 6(c) of the International Atomic Energy Agency Participation Act of 1957 [subsection (c) of this section] (hereinafter referred to as the Act) to prescribe such regulations as may be necessary to carry out the provisions of section 6 of the Act [this section] and to protect the retirement, insurance, and other civil-service rights and privileges of any Federal employee, Presidential appointee, or elected officer who enters the employ of the International Atomic Energy Agency (hereinafter referred to as the Agency) pursuant to the provisions of section 6 of the Act [this section].

SEC. 2. Consistent with the provisions of section 6 of the Act [this section] and this order, and to the extent provided in regulations prescribed pursuant to section 1 of this order, a Federal employee, a Presidential appointee, or an elected officer who enters the employ of the Agency pursuant to section 6 of the Act [this section] after August 27, 1957, shall be entitled to the protection and benefit of the rights and privileges specified in the Act [this chapter] and of such other civil-service rights and privileges to which he would have been entitled had he continued his employment in his position in the Federal service.

SEC. 3. The regulations prescribed pursuant to section 1 of this order shall provide for the following protections and benefits:

(a) The retention by a Federal employee of coverage and all rights and benefits under the Civil Service Retirement Act, as amended [subchapter III of chapter 83 of Title 5, Government Organization and Employees], and the Federal Employees' Group Life Insurance Act of 1954, as amended [chapter 87 of Title 5], during the re-employment period in which the employee is properly exercising or could exercise the re-employment right provided by section 6(a) of the Act [subsection (a) of this section]. During such re-employment period, the employee shall be considered as on leave without pay for retirement and insurance purposes: *Provided*, that nothing in this subsection shall preclude the vesting of retirement or insurance coverage for a Federal employee, a Presidential appointee, or an elected officer in the event of his death during the first three consecutive years of his employment with the Agency or, in the case of a Federal employee, during the re-employment period referred to in this subsection.

(b) The entitlement of a Federal employee to the rate of basic compensation to which he would have been entitled had he remained in the Federal service when he is re-employed pursuant to section 6(a) of the Act [subsection (a) of this section], and the entitlement of a Presidential appointee or an elected officer to such rate of basic compensation when he is re-employed in the Federal position which he left or one of like seniority, status, and pay within ninety days from the date of his separation from the Agency following a term of employment not extending beyond the first three consecutive years from the date of his entering the employ of the Agency.

(c) The entitlement of a Federal employee upon reemployment as prescribed in subsection (b) of this section, or of a Presidential appointee or an elected officer who is re-employed within ninety days from the date of his separation from the Agency following a term of employment not extending beyond the first three consecutive years from the date of his entering the employ of the Agency, to service credit for all appropriate civil-service purposes for the period commencing with his separation from his Federal position and ending with the termination of his service with the Agency, and, in the case of a Federal employee, for the additional period between the termination of his service with the Agency and his re-employment.

(d) The restoration of the sick-leave account of a Federal employee, a Presidential appointee, or an elected officer to its status at the time he left the Federal service if he is re-employed as prescribed in subsection (c) of this section.

(e) The right of appeal to the Civil Service Commission by any Federal employee who enters the employ of the Agency pursuant to section 6(a) of the Act [subsection (a) of this section] and who is denied re-employment. The decision of the Commission on the appeal shall be final, and the department or agency concerned shall take the action necessary to effectuate the decision of the Commission.

SEC. 4. Regulations prescribed pursuant to section 1 of this order need not be limited in their coverage and application to the protections and benefits set forth herein.

SEC. 5. Prior to the re-employment of a Federal employee pursuant to section 6(a) of the Act [subsection (a) of this section] and during the employment of a Presidential appointee or an elected officer pursuant to section 6(b) of the Act [subsection (b) of this section], all computations under section 6 of the Act [this section], this order, or regulations prescribed pursuant to section 1 of this order shall be made in the same manner as they would have been if the rate of basic compensation received by the Federal employee, Presidential appointee, or elected officer concerned on the last day of his Federal service had continued without change.

DWIGHT D. EISENHOWER.

PARTIAL REVOCATION OF EX. ORD. NO. 10774

Section 2 of Ex. Ord. No. 10804, formerly set out as a note under section 3584 of Title 5, Government Organization and Employees, provided that Ex. Ord. No. 10774, insofar as it affects any employee covered by subsec. (a) of this section, prior to its repeal by Pub. L. 85-795, is revoked, except that it shall remain in effect with respect to employees serving with an international organization on the date of enactment of the Federal Employees International Organization Service Act [Aug. 28, 1958], who do not elect to have coverage under the Federal Employees International Organization Service Act pursuant to section 6 of that act, and for the purposes of any rights and benefits vested under each such order prior to date of enactment of that act [Aug. 28, 1958].

§ 2026. Termination of authority and participation in Agency

In the event of an amendment to the Statute of the Agency being adopted in accordance with article XVIII-C of the Statute to which the Senate by formal vote shall refuse its advice and consent, upon notification by the Senate to the President of such refusal to advise and consent, all further authority under section 2021, 2022, 2023 and 2024 of this title, as amended, shall terminate: *Provided, however,* That the Secretary of State, under such regulations as the President shall promulgate, shall have the

necessary authority to complete the prompt and orderly settlement of obligations and commitments to the Agency already incurred and pay salaries, allowances, travel expenses, and other expenses required for a prompt and orderly termination of United States participation in the Agency: *And provided further*, That the representative and the deputy representative of the United States to the Agency, and such other officers or employees representing the United States in the Agency, under such regulations as the President shall promulgate, shall retain their authority under this chapter for such time as may be necessary to complete the settlement of matters arising out of the United States participation in the Agency.

(Pub. L. 85-177, § 8, Aug. 28, 1957, 71 Stat. 455.)

REFERENCES IN TEXT

Article XVIII-C of the Statute, referred to in the text, provides: "C. Amendments shall come into force for all members when: (i) Approved by the General Conference by a two-thirds majority of those present and voting after consideration of observations submitted by the Board of Governors on each proposed amendment, and (ii) Accepted by two-thirds of all the members in accordance with their respective constitutional processes. Acceptance by a member shall be effected by the deposit of an instrument of acceptance with the depositary Government referred to in paragraph C of Article XXI.".

CHAPTER 29—CULTURAL AND TECHNICAL INTERCHANGE CENTERS

SUBCHAPTER I—CENTER BETWEEN EAST AND WEST

Sec.
2051 to 2053 Repealed.
2054. Statement of purpose.
2055. Duties of Secretary of State; establishment and operation of educational institution; grants, fellowships, and scholarships; availability of facilities.
2056. Administration.
(a) Authority.
(b) Gifts, bequests, and devises.
(c) Report to Congress.
2057. Authorization of appropriations.

SUBCHAPTER II—WESTERN HEMISPHERIC CENTER

2071, 2072. Repealed.

SUBCHAPTER I—CENTER BETWEEN EAST AND WEST

§§ 2051 to 2053. Repealed. Pub. L. 87-195, pt. III, § 642(a)(7), Sept. 4, 1961, 75 Stat. 460

Sections, Pub. L. 86-108, ch. VI, §§ 601 to 603, July 24, 1959, 73 Stat. 256, 257, which directed the Secretary of State to submit to Congress before Jan. 3, 1960, a plan and program for the establishment in Hawaii of an educational institution, for grants, fellowships, and other payments to outstanding scholars and to qualified students from the nations of the East and West, are now covered by sections 2054 to 2057 of this title.

§ 2054. Statement of purpose

The purpose of this subchapter is to promote better relations and understanding between the United States and the nations of Asia and the Pacific (hereinafter referred to as "the East") through cooperative study, training, and research, by establishing in Hawaii a Center for Cultural and Technical Interchange Between East and West where scholars and students in various fields from the nations of the East and West may study, give and receive training, exchange ideas and views, and conduct other activities primarily in support of the objectives of the United States Information and Educational Exchange Act of 1948, as amended [22 U.S.C. 1431 et seq.], title III of chapter II of the Mutual Security Act of 1954, and other Acts promoting the international, educational, cultural, and related activities of the United States.

(Pub. L. 86-472, ch. VII, § 702, May 14, 1960, 74 Stat. 141.)

REFERENCES IN TEXT

The United States Information and Educational Exchange Act of 1948, as amended, referred to in text, is act Jan. 27, 1948, ch. 36, 62 Stat. 6, as amended, which is classified generally to chapter 18 (§ 1431 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1431 of this title and Tables volume.

The Mutual Security Act of 1954, referred to in text, is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, 71 Stat. 355; June 30, 1958, Pub. L. 85-477, ch. 1, §§ 101 to 103, ch. II, §§ 201 to 205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86-108, § 2, ch. 1, § 101, ch. II, §§ 201 to 205(a) to (i), (k) to (n), ch. III, § 301, ch. IV, § 401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86-472, ch. I to V, 74 Stat. 134.

Title III of chapter II of the Act was classified to sections 1891 to 1896, 1897, and 1898 of this title and was repealed by Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460 and Pub. L. 86-472, ch. II, § 203(d), May 14, 1960, 74 Stat. 136. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables volume.

SHORT TITLE

Section 701 of Pub. L. 86-472 provided that: "This chapter [enacting this subchapter] may be cited as the 'Center for Cultural and Technical Interchange Between East and West Act of 1960'."

§ 2055. Duties of Secretary of State; establishment and operation of educational institution; grants, fellowships, and scholarships; availability of facilities

In order to carry out the purpose of this subchapter the Secretary of State (hereinafter referred to as the "Secretary") shall provide for—

(1) the establishment and operation in Hawaii of an educational institution to be known as the Center for Cultural and Technical Interchange Between East and West, through arrangements with public, educational, or other nonprofit institutions;

(2) grants, fellowships, and other payments to outstanding scholars and authorities from the nations of the East and West as may be necessary to attract such scholars and authorities to the Center;

(3) grants, scholarships, and other payments to qualified students from the nations of the East and West as may be necessary to enable such students to engage in study or training at the Center; and

(4) making the facilities of the Center available for study or training to other qualified persons.

(Pub. L. 86-472, ch. VII, § 703, May 14, 1960, 74 Stat. 141.)

§ 2056. Administration

(a) Authority

In carrying out the provisions of this subchapter, the Secretary may utilize his authority under the provisions of the United States Information and Educational Exchange Act of 1948, as amended [22 U.S.C. 1431 et seq.].

(b) Gifts, bequests, and devises

The Secretary may, in administering the provisions of this subchapter, accept from public and private sources money and property to be utilized in carrying out the purposes and functions of the Center. In utilizing any gifts, bequests, or devises accepted there shall be available to the Secretary the same authorities as are available to him in accepting and utilizing gifts, bequests, and devises to the Foreign Service Institute under the provisions of section 809 of this title. For the purposes of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted by the Secretary under the authority of this subchapter shall be deemed to be a gift, devise, or bequest to or for the use of the United States.

(c) Report to Congress

The Secretary shall make an annual report to the Congress with respect to his activities under the provisions of this subchapter, and such report shall include any recommendations for needed revisions in this subchapter.

(Pub. L. 86-472, ch. VII, § 704, May 14, 1960, 74 Stat. 141.)

REFERENCES IN TEXT

The United States Information and Educational Exchange Act of 1948, as amended, referred to in subsec. (a), is act Jan. 27, 1948, ch. 36, 62 Stat. 6, as amended, which is classified generally to chapter 18 (§ 1431 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1431 of this title and Tables volume.

§ 2057. Authorization of appropriations

There are authorized to be appropriated, to remain available until expended, such amounts as may be necessary to carry out the provisions of this subchapter.

(Pub. L. 86-472, ch. VII, § 705, May 14, 1960, 74 Stat. 142.)

SUBCHAPTER II—WESTERN HEMISPHERIC CENTER

§§ 2071, 2072. Repealed. Pub. L. 87-195, pt. III, § 642(a)(8), Sept. 4, 1961, 75 Stat. 460

Sections, Pub. L. 86-472, ch. VIII, §§ 801, 802, May 14, 1960, 75 Stat. 142, related to a Western Hemispheric Center, stated the Congressional declaration of purpose and authorized the preparation and submission of a plan to Congress.

CHAPTER 29A—INTER-AMERICAN CULTURAL AND TRADE CENTER

Sec.
2081. United States participation in Inter-American Cultural and Trade Center; purposes of Interama.
2082. Participation in Interama by states and foreign countries.
2083. Commissioner for Interama; procurement and appointment of personnel; powers and duties.
2084. Cooperation of other Federal departments, agencies, and instrumentalities.
2085. Authorization of appropriations.

§ 2081. United States participation in Inter-American Cultural and Trade Center; purposes of Interama

The President is authorized, through such department or agency in the executive branch of the Government as he may designate, to provide for United States participation in the Inter-American Cultural and Trade Center (hereinafter in this chapter referred to as "Interama"). In providing for United States participation, the President shall cooperate with the Inter-American Center Authority (an agency of the State of Florida). The purposes of Interama are—

(1) to provide a permanent international center which will serve as a meeting ground for the governments and industries of the Western Hemisphere and of other areas of the world;

(2) to facilitate broad and continuous exchanges of ideas, persons, and products through cultural, educational, and other exchanges; and

(3) by other appropriate means, to promote mutual understanding between the peoples of the Western Hemisphere and to strengthen the ties which unite the United States with other nations of the free world.

(Pub. L. 89-355, § 1, Feb. 19, 1966, 80 Stat. 5.)

§ 2082. Participation in Interama by states and foreign countries

The President is authorized, by proclamation or in such other manner as he may deem proper, to invite the several States of the United States and foreign countries to take part in Interama, except that no Communist de facto government holding any people in subjugation shall be invited to participate.

(Pub. L. 89-355, § 2(a), Feb. 19, 1966, 80 Stat. 6.)

REPORT TO CONGRESS BY MAY 15, 1966

Section 2(b) of Pub. L. 89-355 provided that the department or agency, designated by the President pursuant to section 2081 of this title, submit a report to the Senate Committees on Foreign Relations and Appropriations and the Speaker of the House, on the proposed nature, extent and cost of United States participation in Interama and of the extent of participation of foreign countries and private industries.

§ 2083. Commissioner for Interama; procurement and appointment of personnel; powers and duties

(a) There shall be in the designated department or agency a Commissioner for Interama who shall be appointed by the President. Subject to the direction of the head of the designated department or agency, the Commissioner for Interama shall perform such duties as the

President may prescribe to carry out this chapter.

(b) In order to carry out the provisions of this chapter, the head of the designated department or agency is authorized—

(1) to appoint and fix the compensation of such persons as he deems necessary without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5; except that no person so appointed shall receive compensation at a rate in excess of that received by persons under chapter 51 and subchapter III of chapter 53 of title 5 for the performance of comparable duties;

(2) to procure temporary and intermittent services in accordance with the provisions of section 3109 of title 5;

(3) to enter into contracts;

(4) to select, purchase, rent, construct, or otherwise acquire exhibits, including materials and equipment therefor, and to provide for the transportation, insurance, display, maintenance, and dismantling thereof;

(5) to incur such other expenses as may be necessary; and

(6) to accept donations of money, property, and services and the loan of property.

(Pub. L. 89-355, § 3, Feb. 19, 1966, 80 Stat. 6; Pub. L. 90-83, § 10(b), Sept. 11, 1967, 81 Stat. 224.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (b)(1), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

In subsec. (b)(2), "section 3109 of title 5" was substituted for "section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1967—Subsec. (a). Pub. L. 90-83 struck out provision that Commissioner of Interama receive compensation at a rate prescribed for level IV of the Federal Executive Salary Schedule.

§ 2084. Cooperation of other Federal departments, agencies, and instrumentalities

The head of each department, agency, or instrumentality of the Federal Government is authorized—

(1) to cooperate with the head of the designated department or agency with respect to determining the manner in which and the extent to which the United States shall be a participant in and an exhibitor at Interama; and

(2) to make available to the head of the designated department or agency, on a reimbursable basis, such personnel as may be necessary to assist him in carrying out his functions under this chapter.

(Pub. L. 89-355, § 4, Feb. 19, 1966, 80 Stat. 6.)

§ 2085. Authorization of appropriations

(a) There is authorized to be appropriated not to exceed $7,500,000 to provide for United States participation in Interama under this chapter, of which not to exceed $250,000 shall be available for expenditure in connection with the preparation of the report required to be submitted to the Congress under section 2(b) of this Act. Sums appropriated under this subsection shall remain available until expended.

(b) In addition to the amount authorized in subsection (a) of this section, there is authorized to be appropriated not to exceed $1,000,000 annually for each of the fiscal years 1968 and 1969 for the maintenance of United States installations and activities at Interama.

(Pub. L. 89-355, § 5, Feb. 19, 1966, 80 Stat. 7.)

REFERENCES IN TEXT

Section 2(b) of this Act, referred to in text, means section 2(b) of Pub. L. 89-355 which is set out as a note under section 2082 of this title.

CHAPTER 30—INTERNATIONAL COOPERATION IN HEALTH AND MEDICAL RESEARCH

Sec.
2101. Statement of purpose.
2102. Authority of Secretary.
(a) Use of health research and research training resources.
(b) Fellowships; equipment, meetings and conferences; interchange of scientists and experts; consultants; compensation and travel expenses.
(c) Definitions.
2103. Authority of President.
(a) Use of foreign currencies and credits.
(b) Disease and health deficiency investigations, experiments, and studies; rehabilitation.
(c) Fellowships; equipment; technical assistance; interchange of scientists and experts; compensation and travel expenses; health science programs and projects; meetings and conferences; scientific publications.
(d) Programs of an operational nature excepted from assistance.
(e) Consultants; advisory committees; compensation and travel expenses.
(f) Delegation of authority; regulations.
(g) Use of foreign currencies and credits.
(h) Report to Congress.
(i) Definitions.
2104. Authority of Federal officers and agencies unaffected.

§ 2101. Statement of purpose

It is the purpose of this chapter—

(1) to advance the status of the health sciences in the United States and thereby the health of the American people through cooperative endeavors with other countries in health research, and research training; and

(2) to advance the international status of the health sciences through cooperative enterprises in health research, research planning, and research training.

(Pub. L. 86-610, § 2, July 12, 1960, 74 Stat. 364.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this joint resolution", which enacted this chapter and

section 308 of the Public Health Service Act (act July 1, 1944, ch. 373, 58 Stat. 682). Such section 308 was redesignated section 307 by Pub. L. 93-353, July 23, 1974, title I, § 106, 88 Stat. 367, and is classified to section 242*l* of Title 42, The Public Health and Welfare.

RECITAL

Pub. L. 86-610 provided that:

"Whereas it is recognized that disease and disability are the common enemies of all nations and peoples, and that the means, methods, and techniques for combating and abating the ravages of disease and disability and for improving the health and health standards of man should be sought and shared, without regard to national boundaries and divisions; and

"Whereas advances in combating and abating disease and in the positive promotion of human health can be stimulated by supporting and encouraging cooperation among scientists, research workers, and teachers on an international basis, with consequent benefit to the health of our people and of all peoples; and

"Whereas there already exist tested means for international cooperation in matters relating to health, including the World Health Organization, the Pan American Health Organization, and the United Nations Children's Fund (UNICEF), with which the United States is identified and associated, and it is highly desirable that the United States establish domestic machinery for the maximum mobilization of its health research resources, the more efficiently to cooperate with and support the research, research-training and research-planning endeavors of such international organizations: Therefore be it * * *"

SHORT TITLE

Section 1 of Pub. L. 86-610 provided that: "This joint resolution [enacting this chapter and section 242*l* of Title 42, The Public Health and Welfare] may be cited as the 'International Health Research Act of 1960'."

SWINE INFLUENZA STUDY

Pub. L. 94-302, title III, § 301, May 31, 1976, 90 Stat. 596 provided that:

"(a) The Congress finds and declares that—

"(1) the problems posed by swine influenza transcend national and political boundaries;

"(2) no one country, or even one portion of the world, can singularly undertake the search for a worldwide solution to the problems posed by swine influenza;

"(3) the global nature of swine influenza demands international cooperation and coordination in the investigation and planning for effective control of swine influenza;

"(4) the Public Health Service of the United States has invited the World Health Organization of the United Nations and its International Influenza Reference Centers to participate in the investigation and planning for the control of swine influenza;

"(5) special collaboration has already been established among the United States, the United Kingdom, and Canada for mutual participation in the investigation and planning for the control of swine influenza;

"(6) the United States Department of State and the Public Health Service of the United States have joint programs to provide information to foreign countries on the nature and extent of swine influenza and the methods necessary to control it; and

"(7) the technology of the United States for the surveillance of virus disease and vaccine production should be made available to foreign countries.

"(b) It is the sense of the Congress that the President should furnish assistance to foreign countries and international organizations for the investigation and planning for the control of swine influenza."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2102, 2103 of this title.

§ 2102. Authority of Secretary

(a) Use of health research and research training resources

To carry out the purposes of clause (1) of section 2101 of this title, the Secretary of Health, Education, and Welfare (hereafter referred to as the "Secretary") may in the exercise of his responsibilities under the Vocational Rehabilitation Act, sections 191 to 194 of title 42, and any other provision of law, to conduct and support health research and research training, including research and research training relating to the rehabilitation of the handicapped, make such use of health research and research training resources in participating foreign countries as he may deem necessary and desirable.

(b) Fellowships; equipment, meetings and conferences; interchange of scientists and experts; consultants; compensation and travel expenses

To carry out his responsibilities under this section the Secretary may—

(1) establish and maintain fellowships in the United States and in participating foreign countries;

(2) make grants to public institutions or agencies and to nonprofit private institutions or agencies in the United States and in participating foreign countries for the purpose of establishing and maintaining fellowships;

(3) make grants or loans of equipment, medical, biological, physical, or chemical substances or other materials, for use by public institutions or agencies, or nonprofit private institutions or agencies, or by individuals, in participating foreign countries;

(4) participate and otherwise cooperate in any international health or medical research or research training meetings, conferences, or other activities;

(5) facilitate the interchange between the United States and participating foreign countries, and among participating foreign countries, of research scientists and experts who are engaged in experiments and programs of research or research training, and in carrying out such purpose may pay per diem compensation, subsistence, and travel for such scientists and experts when away from their places of residence at rates not to exceed those provided in section 5703 of title 5 for persons in the Government service intermittently employed; and

(6) procure, in accordance with the provisions of section 3109 of title 5, the temporary or intermittent services of experts or consultants; individuals so employed shall receive compensation at a rate to be fixed by the Secretary, but not in excess of $50 per diem, including travel time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in the Government service employed intermittently.

(c) Definitions

For the purposes of this section—

(1) The term "health research" shall include, but not be limited to, research, investigations, and studies relating to causes and methods of prevention of accidents, including

but not limited to highway and aviation accidents.

(2) The term "participating foreign countries" means those foreign countries which cooperate with the United States in carrying out the purposes of this section.

(Pub. L. 86-610, § 4, July 12, 1960, 74 Stat. 365.)

REFERENCES IN TEXT

The Vocational Rehabilitation Act, referred to in subsec. (a), is act June 2, 1920, ch. 219, 41 Stat. 735, as amended, which was classified generally to chapter 4 (§ 31 et seq.) of Title 29, Labor, and was repealed by § 500(a) of the Rehabilitation Act of 1973, Pub. L. 93-112, title V, Sept. 26, 1973, 87 Stat. 357. The Rehabilitation Act of 1973 is classified to chapter 16 (§ 701 et seq.) of Title 29. Section 500(a), classified to section 790 of Title 29, in part provided that references to the Vocational Rehabilitation Act in any other provision of law be deemed reference to the Rehabilitation Act of 1973.

CODIFICATION

"Section 5703 of title 5" and "section 3109 of title 5" were substituted for "section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2)" and "section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a)" respectively, on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Employees.

§ 2103. Authority of President

(a) Use of foreign currencies and credits

It is the sense of Congress that the President should use his authority under the Constitution and laws of the United States to accomplish the purposes of section 2101 of this title and in accomplishing such purposes (1) use to the fullest extent practicable foreign currencies or credits available for utilization by the United States, (2) enter into agreements to use foreign currencies and credits available to other nations for use with the agreement of the United States, and (3) use any other foreign currencies and credits which may be made available by participating foreign countries.

(b) Disease and health deficiency investigations, experiments, and studies; rehabilitation

To carry out the purposes of section 2101 of this title the President, in cooperation with participating foreign countries, is authorized to encourage, support, and promote the planning and conduct of, and training for, research investigations, experiments, and studies in the United States and in participating foreign countries relating to the causes, diagnosis, treatment, control, and prevention of diseases and impairments of mankind (including nutritional and other health deficiencies) or to the rehabilitation of the handicapped.

(c) Fellowships; equipment; technical assistance; interchange of scientists and experts; compensation and travel expenses; health science programs and projects; meetings and conferences; scientific publications

To carry out his responsibilities under this chapter the President may—

(1) establish and maintain fellowships in participating foreign countries;

(2) make financial grants to establish and maintain fellowships, and for other purposes, to public institutions and agencies and to nonprofit private institutions and agencies, and to individuals in participating foreign countries, or contract with such institutions, agencies, or individuals without regard to section 529 of title 31 and section 5 of title 41;

(3) make grants or loans of equipment, medical, biological, physical, or chemical substances or other materials, for use by such institutions, agencies, or individuals;

(4) furnish technical assistance and advice to such institutions or agencies and in carrying out such purposes may pay the compensation and expenses of scientists and experts from the United States and other participating foreign countries;

(5) facilitate the interchange among participating foreign countries of scientists and experts (including the payment of travel and subsistence for such scientists and experts when away from their places of residence);

(6) cooperate and assist in the planning and conduct of research, research planning, and research training programs and projects by groups engaged in, or concerned with, research or research training endeavors in the health sciences, and, through financial grants or other appropriate means, assist in special research, research planning, or research training projects conducted by or under the auspices of such groups where they can effectively carry out such activities contemplated by this joint resolution;

(7) encourage and support international communication in the sciences relating to health by means of calling or cooperating in the convening, and financing or contributing to the financing of the expenses of, international scientific meetings and conferences; and provide, or arrange for the provision of, translating and other services, and issue or finance publications, leading to a more effective dissemination of relevant scientific information with respect to research conducted in the United States or participating foreign countries.

(d) Programs of an operational nature excepted from assistance

The activities authorized in this section shall not extend to the support of public health, medical care, or other programs of an operational nature as contrasted with research and research training nor shall any of the grants authorized by this section include grants for the improvement or extension of except for necessary research and research training public health administration in other countries in the science of public health and public health administration.

(e) Consultants; advisory committees; compensation and travel expenses

The President is authorized, to the extent he deems it necessary to carry out the purposes of section 2101 of this title, to employ experts and consultants or organizations thereof, as authorized by section 3109 of title 5 and create a committee or committees to be composed entirely of persons who are citizens of the United States to advise him in the administration of this chapter, individuals so employed and members of committees shall be entitled to receive compensation at a rate to be fixed by the President, but not to exceed $50 per diem, including travel

time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in the Government service employed intermittently.

(f) Delegation of authority; regulations

The President may delegate any authority vested in him by this section to the Secretary of Health, Education, and Welfare. The Secretary may from time to time issue such regulations as may be necessary to carry out any authority which is delegated to him under this section, and may delegate performance of any such authority to the Surgeon General of the Public Health Service, the Director of the Office of Vocational Rehabilitation, the Chief of the Children's Bureau, or other subordinates acting under his direction.

(g) Use of foreign currencies and credits

In order to carry out the purposes of section 2101 of this title, and subject to section 724 of title 31, the President may use or enter into agreements with foreign nations or organizations of nations to use the foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1701 et seq.], and the Mutual Security Act of 1954, or which are otherwise available for utilization by the United States. The President is authorized to agree to the utilization by foreign nations, for programs designed to carry out the purposes of section 2101 of this title in cooperation with the United States, of amounts deposited in special accounts pursuant to section 142(b) of the Mutual Security Act of 1954, to the extent that the amounts in such accounts exceed the requirements of other programs covered by such section 142(b). Such utilization of amounts in special accounts shall be without regard to the second proviso in clause (iii) of such section 142(b).

(h) Report to Congress

The President shall transmit to the Congress at the beginning of each regular session, a report summarizing activities under this section and making such recommendations as he may deem appropriate.

(i) Definitions

For the purposes of this section—

(1) the term "health research" shall include, but not be limited to, research, investigations, and studies relating to causes and methods of prevention of accidents, including but not limited to highway and aviation accidents.

(2) the term "participating foreign countries" means those foreign countries which cooperate with the United States in carrying out the purposes of this section.

(Pub. L. 86-610, § 5, July 12, 1960, 74 Stat. 366.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c) and (e), was in the original "this joint resolution", which enacted this chapter and section 308 of the Public Health Service Act (act July 1, 1944, ch. 373, 58 Stat. 682). Such section 308 was redesignated section 307 by Pub. L. 93-353, July 23, 1974, title I, § 106, 88 Stat. 367, and is classified to section 242*l* of Title 42, The Public Health and Welfare.

The Agricultural Trade Development and Assistance Act of 1954, referred to in subsec. (g), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified generally to chapter 41 (§ 1691 et seq.) of this title. Title I of the Act is classified to subchapter II (§ 1701 et seq.) of chapter 41 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of this title and Tables volume.

The Mutual Security Act of 1954, referred to in subsec. (g), is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, 71 Stat. 355; June 30, 1958, Pub. L. 85-477, ch. 1, §§ 101 to 103, ch. II, §§ 201 to 205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86-108, § 2, ch. 1, § 101, ch. II, §§ 201 to 205(a) to (i), (k) to (n), ch. III, § 301, ch. IV, § 401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86-472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85-141, §§ 2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86-108, ch. II, §§ 205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86-472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94-329, title II, § 212(b)(1), June 30, 1976, 90 Stat. 745, except for sections 1754, 1783, 1796, 1853, 1922, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables volume.

Section 142(b) of the Mutual Security Act of 1954, referred to in subsec. (g) was classified to section 1852 of this title, and was repealed by Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460.

CODIFICATION

In subsec. (e), "section 3109 of title 5" and "section 5703 of title 5" were substituted for "section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a)" and "section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2)", respectively, on authority of sec. 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 2104. Authority of Federal officers and agencies unaffected

Nothing in this chapter shall be construed to repeal or restrict authority vested in the President, the Secretary of State, the Secretary of Health, Education, and Welfare, the Surgeon General of the Public Health Service, or any other officer or agency of the United States by any other provision of law.

(Pub. L. 86-610, § 6, July 12, 1960, 74 Stat. 369.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this joint resolution", which enacted this chapter and section 308 of the Public Health Service Act (act July 1, 1944, ch. 373, 58 Stat. 682). Such section 308 was redesignated section 307 by Pub. L. 93-353, July 23, 1974, title I, § 106, 88 Stat. 367, and is classified to section 242*l* of Title 42, The Public Health and Welfare.

CHAPTER 31—INTERNATIONAL TRAVEL

Sec.

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2122. Powers and duties of Secretary of Commerce.

Sec.
2123. Performance of duties by Secretary of Commerce.
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(b) Prohibition on providing or arranging transportation or accommodations for persons traveling between foreign countries and United States.
(c) Recordkeeping by recipient of financial assistance; contents.
(d) Audit and examination of books, etc., by Secretary and Comptroller of United States, or duly authorized representatives.
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2125. Reports to the President and the Congress.
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§ 2121. Congressional declaration of purpose

It is the purpose of this chapter to strengthen the domestic and foreign commerce of the United States, and promote friendly understanding and appreciation of the United States by encouraging foreign residents to visit the United States and by facilitating international travel generally.

(Pub. L. 87-63, § 1, June 29, 1961, 75 Stat. 129.)

SHORT TITLE

Section 8, formerly 7 of Pub. L. 87-63, as renumbered by Pub. L. 91-477, § 5, Oct. 31, 1970, 84 Stat. 1072, provided that: "This Act [enacting this chapter] may be cited as the 'International Travel Act of 1961'."

NATIONAL TOURISM RESOURCES REVIEW COMMISSION

Pub. L. 91-477, § 6, Oct. 21, 1970, 84 Stat. 1073, provided that:

"(a) [*Establishment; membership*]. There is established a commission to be known as the National Tourism Resources Review Commission (hereafter in this section referred to as the 'Commission') composed of fifteen members as follows:

"(1) One representative of the Department of Commerce designated by the Secretary of Commerce.

"(2) One representative of the Department of the Interior designated by the Secretary of the Interior.

"(3) One representative of the Department of State designated by the Secretary of State.

"(4) One representative of the Department of Transportation designated by the Secretary of Transportation.

"(5) Eleven individuals appointed by the President from private life who are informed about and concerned with the improvement, development, and promotion of United States tourism resources and opportunities or who are otherwise experienced in tourism research, promotion, or planning. The President shall designate one of the individuals appointed by him to serve as Chairman of the Commission.

"(b) [*Study and investigation; report to President and Congress; recommendations; termination*]. The Commission shall make a full and complete study and investigation for the purpose of—

"(1) determining the domestic travel needs of the people of the United States and of visitors from other countries at the present time and to the year 1980;

"(2) determining the travel resources of the United States available to satisfy such needs now and to the year 1980;

"(3) determining policies and programs which will insure that the domestic travel needs of the present and the future are adequately and efficiently met;

"(4) determining a recommended program of Federal assistance to the States in promoting domestic travel; and

"(5) determining whether a separate agency of the Government should be established, or whether an existing department, agency, or instrumentality within the Government should be designated, to consolidate and coordinate tourism research, planning, and development activities presently performed by different existing agencies of the Government.

The Commission shall submit a comprehensive report of its activities and the results of such study and investigation, together with its recommendations with respect thereto, to the President and to the Congress not later than two years after the first meeting of the Commission. The Commission shall cease to exist sixty days after the date of the submission of its comprehensive report. The comprehensive report of the Commission shall propose such legislative enactments and administrative actions as in its judgment are necessary to carry out its recommendations.

"(c) [*Secretarial, clerical, and other assistance by Secretary of Commerce; information and assistance by Governmental departments and agencies*]. The Secretary of Commerce shall make available to the Commission such secretarial, clerical, and other assistance as the Commission may require to carry out its functions under this section. The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this section; and each such department, agency, and instrumentality is athorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by its Chairman.

"(d) [*Powers of Commission*]. In order to carry out the provisions of this section, the Commission is authorized—

"(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Commission;

"(2) to appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this section and to prescribe their authority and duties; and

"(3) to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(e) [*Compensation and travel expenses*]. (1) Members of the Commission from private life, while engaged in the performance of their duties as members of the Commission, shall receive compensation at a rate to be fixed by the President, not to exceed $100 each day, including traveltime, and shall, while so serving away from their homes or regular places of business, be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(2) Members of the Commission who are officers or employees of the United States shall serve without additional compensation, but shall be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(f) [*Authorization of appropriations*]. There are authorized to be appropriated such sums, not to exceed $750,000, as may be necessary to carry out the provisions of this section."

§ 2122. Powers and duties of Secretary of Commerce

In order to carry out the purpose of this chapter the Secretary of Commerce (hereafter in this chapter referred to as the "Secretary") shall—

(1) develop, plan, and carry out a comprehensive program designed to stimulate and encourage travel to the United States by residents of foreign countries for the purpose of study, culture, recreation, business, and other activities as a means of promoting friendly understanding and good will among peoples of foreign countries and of the United States;

(2) encourage the development of tourist facilities, low cost unit tours, and other arrangements within the United States for meeting the requirements of foreign visitors;

(3) foster and encourage the widest possible distribution of the benefits of travel at the cheapest rates between foreign countries and the United States consistent with sound economic principles;

(4) encourage the simplification, reduction, or elimination of barriers to travel, and the facilitation of international travel generally;

(5) collect, publish, and provide for the exchange of statistics and technical information, including schedules of meetings, fairs, and other attractions, relating to international travel and tourism;

(6) encourage to the maximum extent feasible travel to and from the United States on United States carriers.

(Pub. L. 87-63, § 2, June 29, 1961, 75 Stat. 129; Pub. L. 93-623, § 6, Jan. 3, 1975, 88 Stat. 2105.)

AMENDMENTS

1975—Par. (6). Pub. L. 93-623 added par. (6).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2123 of this title.

§ 2123. Performance of duties by Secretary of Commerce

(a) Utilization of agency facilities and services; consultation and cooperation; professional advice and services; foreign branches; grants for projects; authority to contract; awards of merchandise to foreign travel agents and tour operators

In performing the duties set forth in section 2122 of this title, the Secretary—

(1) shall utilize the facilities and services of existing agencies of the Federal Government to the fullest extent possible including the maximum utilization of counterpart funds; and, to the fullest extent consistent with the performance of their own duties and functions, such agencies shall permit such utilization of facilities and services;

(2) may consult and cooperate with individuals, businesses, and organizations engaged in or concerned with international travel, including local, State, Federal, and foreign governments, and international agencies;

(3) may obtain by contract and otherwise the advice and services of qualified professional organizations and personnel;

(4) after consultation with the Secretary of State, may establish such branches in foreign countries, as he deems to be necessary and desirable.

(5) upon the application of any State or political subdivision or combination thereof, or private or public nonprofit organization or association, may make grants for projects designed to carry out the purpose of this chapter if he finds that such projects will facilitate and encourage travel to any State or political subdivision or combination thereof by residents of foreign countries. No financial assistance will be made available under this clause unless the Secretary determines that matching funds will be available from State or other non-Federal sources and in no event will the amount of any grant under this clause for any project exceed 50 per centum of the cost of such project. The Secretary is authorized to establish such policies, standards, criteria, and procedures and to prescribe such rules and regulations as he may deem necessary or appropriate for the administration of this clause;

(6) may enter into contracts with private profit- or non-profit-making individuals, businesses, and organizations for projects designed to carry out the purposes of this chapter whenever he determines that such projects cannot be accomplished under the authority of clause (5) of this subsection; and

(7) may make awards of merchandise manufactured and purchased in the United States to travel agents and tour operators in foreign countries as an incentive for their promotion of travel to the United States by residents of foreign countries. The Secretary is authorized to establish such policies, standards, criteria, and procedures as he may deem necessary or appropriate for the administration of this clause.

(b) Prohibition on providing or arranging transportation or accommodations for persons traveling between foreign countries and United States

The Secretary, under the authority of this chapter, shall not provide or arrange for transportation for, or accommodations to, persons traveling between foreign countries and the United States in competition with business engaged in providing or arranging for such transportation or accommodations.

(c) Recordkeeping by recipient of financial assistance; contents

Each recipient of assistance under clause (5) of subsection (a) of this section shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(d) Audit and examination of books, etc., by Secretary and Comptroller of United States, or duly authorized representatives

The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives shall have access for the purpose of audit and examination to any

books, documents, papers, and records of the recipients that are pertinent to the assistance received under clause (5) of subsection (a) of this section.

(Pub. L. 87-63, § 3, June 29, 1961, 75 Stat. 130; Pub. L. 91-477, §§ 1, 2, Oct. 21, 1970, 84 Stat. 1071, 1072.)

AMENDMENTS

1970—Subsecs. (a)(5) to (7). Pub. L. 91-477, § 1, added subsecs. (a)(5) to (7).

Subsecs. (c), (d). Pub. L. 91-477, § 2, added subsecs. (c) and (d).

§ 2124. United States Travel Service; establishment; Assistant Secretary of Commerce for Tourism; appointment; exercise of duties and responsibilities of Secretary; Deputy Assistant Secretary of Commerce for Tourism

There is established in the Department of Commerce a United States Travel Service which shall be headed by an Assistant Secretary of Commerce for Tourism who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report directly to the Secretary. All the duties and responsibilities of the Secretary under this chapter shall be exercised directly by the Secretary or by the Secretary through the Assistant Secretary of Commerce for Tourism. In addition, the Secretary shall designate at least one individual to serve as Deputy Assistant Secretary of Commerce for Tourism who shall be under the supervision of the Assistant Secretary of Commerce for Tourism.

(Pub. L. 87-63, § 4, June 29, 1961, 75 Stat. 130; Pub. L. 88-426, title III, § 305(29), Aug. 14, 1964, 78 Stat. 426; Pub. L. 91-477, § 3(a), Oct. 21, 1970, 84 Stat. 1072.)

AMENDMENTS

1970—Pub. L. 91-477 substituted provisions which authorized the Service to be headed by an Assistant Secretary of Commerce for Tourism for provisions which authorized the Service to be headed by a Director, authorized such Assistant Secretary to exercise the duties and responsibilities of the Secretary under this chapter, and added the provisions which authorized the Secretary to designate a Deputy Assistant Secretary of Commerce for Tourism.

1964—Pub. L. 88-426 repealed provisions which prescribed the compensation of the Director. See section 5312 et seq. of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

§ 2125. Reports to the President and the Congress

The Secretary shall submit semi-annually to the President and to the Congress a report on his activities under this chapter.

(Pub. L. 87-63, § 5, June 29, 1961, 75 Stat. 130.)

ANNUAL SUBMISSION OF REPORT

Pub. L. 89-348, § 2(2), Nov. 8, 1965, 79 Stat. 1312, modified this section to require, beginning January 1, 1967, annual submission instead of semiannual submission of the report to the President and to Congress with respect to activities under this chapter.

§ 2126. Authorization of appropriations

For purposes of carrying out the provisions of this chapter, there is authorized to be appropriated an aggregate amount not in excess of (1) $15,000,000 for the fiscal year ending June 30, 1974; (2) $20,000,000 for the fiscal year ending June 30, 1975; (3) $25,000,000 for the fiscal year ending June 30, 1976; (4) $5,000,000 for the transition period of July 1, 1976, through September 30, 1976; (5) $25,000,000 for the fiscal year ending September 30, 1977; (6) $30,000,000 for the fiscal year ending September 30, 1978; and (7) $30,000,000 for the fiscal year ending September 30, 1979. Funds appropriated under this section shall be available without regard to the provisions of section 501 and 3702 of title 44. Funds appropriated under this section for printing of travel promotion materials are authorized to be made available for two fiscal years.

(Pub. L. 87-63, § 6, June 29, 1961, 75 Stat. 130; Pub. L. 91-477, § 4, Oct. 21, 1970, 84 Stat. 1072; Pub. L. 93-193, § 1(a), Dec. 19, 1973, 87 Stat. 765; Pub. L. 94-55, § 1, July 9, 1975, 89 Stat. 262.)

AMENDMENTS

1975—Pub. L. 94-55 added provisions authorizing the appropriations of $5,000,000 for the transition period of July 1, 1976 through Sept. 30, 1976, $25,000,000 for the fiscal year ending Sept. 30, 1977, $30,000,000 for the fiscal year ending Sept. 30, 1978, and $30,000,000 for the fiscal year ending Sept. 30, 1979.

1973—Pub. L. 93-193 substituted provisions authorizing to be appropriated an aggregate amount not to exceed $15,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976, for provisions authorizing to be appropriated not to exceed $15,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

1970—Pub. L. 91-477 substituted provisions authorizing to be appropriated not to exceed $15,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973, for provisions authorizing to be appropriated not to exceed $3,000,000 for the fiscal year ending June 30, 1962, and not to exceed $4,700,000 for each fiscal year thereafter, and added provisions regarding availability of funds appropriated under this section.

§ 2127. Definitions

As used in this chapter, the term "United States" and the term "State" are defined to include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(Pub. L. 87-63, § 7, as added Pub. L. 91-477, § 5, Oct. 21, 1970, 84 Stat. 1072.)

CHAPTER 32—FOREIGN ASSISTANCE

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2441. Congressional statement of policy; emigration restrictions barring funds; determination of Middle East policy; disavowal of executive branch undertakings to Middle East governments or groups.
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(d) Contribution towards deficit for relief of Palestine refugees.
(e) Presentation materials submitted to Congress for fiscal year 1977.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1975, 2601, 2751, 2771, 2773, 2775; title 13 section 301; title 40 section 483.

SUBCHAPTER I—INTERNATIONAL DEVELOPMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 290f, 2151, 2151h, 2151k, 2151*l*, 2151n, 2162, 2169, 2178, 2179, 2180, 2182a, 2183, 2191, 2192, 2199, 2211, 2218, 2219a, 2221, 2261, 2293, 2354, 2355, 2357, 2358, 2361, 2362, 2368, 2369, 2384, 2385, 2392, 2395, 2396, 2397, 2399c, 2421, 2427, 2443 of this title.

PART I—DECLARATION OF POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2183, 2293, 2357, 2399d, 2413 of this title.

§ 2151. Congressional statement of policy

(a) Assistance of less developed countries

The Congress declares that the freedom, security, and prosperity of the United States are best sustained in a community of free, secure, and prospering nations. In particular, the Congress recognizes the threat to world peace posed by aggression and subversion wherever they occur, and that ignorance, want, and despair breed the extremism and violence which lead to aggression and subversion. The Congress declares therefore that it is not only expressive of our sense of freedom, justice, and compassion but also important to our national security that the United States, through private as well as public efforts, assist the people of less developed countries in their efforts to acquire the knowledge and resources essential for development and to build the economic, political, and social institutions which will meet their aspirations for a better life, with freedom, and in peace.

In addition, the Congress declares that it is the policy of the United States to support the principles of increased economic cooperation and trade among countries, freedom of the press, information, and religion, freedom of navigation in international waterways, and recognition of the right of all private persons to travel and pursue their lawful activities without discrimination as to race or religion. The Congress further declares that any distinction made by foreign nations between American citizens because of race, color, or religion in the granting of, or the exercise of, personal or other rights available to American citizens is repugnant to our principles.

The Congress further declares that to achieve the objectives of this chapter, programs authorized by this chapter should be carried out in accordance with the following principles:

First, development is primarily the responsibility of the people of the less developed countries themselves. Assistance from the United States shall be used in support of, rather than substitution for, the self-help efforts that are essential to successful development programs, and shall be concentrated in those countries that take positive steps to help themselves. Maximum effort shall be made, in the administration of this chapter, to stimulate the involvement of the people in the development process through the encouragement of democratic participation in private and local governmental activities and institution-building appropriate to the requirements of the recipient nations.

Second, the tasks of successful development in some instances require the active involvement and cooperation of many countries on a multilateral basis. Therefore, to the maximum extent practicable, other countries shall be encouraged to increase their contributions to development programs and projects so that the cost of such common undertakings, which are for the benefit of all, may be shared equitably by all.

Third, assistance shall be utilized to encourage regional cooperation by less developed countries in the solution of common problems and the development of shared resources.

Fourth, the first objects of assistance shall be to support the efforts of less developed countries to meet the fundamental needs of their peoples for sufficient food, good health, home ownership and decent housing, and the opportunity to gain the basic knowledge and skills required to make their own way forward to a brighter future. In supporting these objectives, particular emphasis shall be placed on utiliza-

tion of resources for food production and voluntary family planning.

Fifth, assistance shall wherever practicable be constituted of United States commodities and services furnished in a manner consistent with other efforts of the United States to improve its balance of payments position.

Sixth, assistance shall be furnished in such a manner as to promote efficiency and economy in operations so that the United States obtains maximum possible effectiveness for each dollar spent.

Seventh, to the maximum extent practicable, the furnishing of agricultural commodities, disposal of excess property, and United States payments to international lending institutions, undertaken pursuant to this chapter or any other Act, shall complement and be coordinated with assistance provided under subchapter I of this chapter.

It is the sense of the Congress that every effort must be made to obtain a permanent peace in the Middle East. To help promote that objective, the United States should encourage, as part of pacific settlement, direct talks among the parties concerned, using such third party or United Nations assistance as they may wish. To this end, the President should undertake immediately (1) a thorough review of the needs of the several countries of that area, and (2) a reevaluation of United States policies aimed at helping meet those needs and securing a permanent peace in the area.

It is further the sense of the Congress that in any case in which any foreign country has severed diplomatic relations with the United States, the President should suspend assistance to such country under this chapter or any other Act, including any program designed to complement assistance under this chapter (such as sales of agricultural commodities under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.]). When diplomatic relations are resumed, a further study should be made on a country-by-country basis to determine whether United States foreign policy objectives would be served by extending assistance under this chapter or any other Act, including any program designed to complement such assistance.

(b) Criteria for restructuring relations

The Congress further finds and declares that, with the help of United States economic assistance, progress has been made in creating a base for the economic progress of the less developed countries. At the same time, the conditions which shaped the United States foreign assistance program in the past have changed. While the United States must continue to seek increased cooperation and mutually beneficial relations with other nations, our relations with the less developed countries must be revised to reflect the new realities. In restructuring our relationships with these countries, the President should place appropriate emphasis on the following criteria:

(1) Bilateral development aid should concentrate increasingly on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less on largescale capital transfers, which when made should be in association with contributions from other industrialized countries working together in a multilateral framework.

(2) Future United States bilateral support for development should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries: food production; rural development and nutrition; population planning and health; and education, public administration, and human resource development.

(3) United States cooperation in development should be carried out to the maximum extent possible through the private sector, including those institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, and voluntary agencies.

(4) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

(5) United States bilateral development assistance should give the highest priority to undertakings submitted by host governments which directly improve the lives of the poorest of their people and their capacity to participate in the development of their countries.

(6) The economic and social development programs to which the United States lends support should reflect, to the maximum extent practicable, the role of United States private investment in such economic and social development programs.

(7) Under the policy guidance of the Secretary of State, the agency primarily responsible for administering this part should have the responsibility for coordinating all United States development-related activities.

(c) Purpose of assistance

Assistance under this part should be used not simply for the purpose of transferring financial resources to developing countries, but to help countries solve development problems in accordance with a strategy that aims to increase substantially the participation of the poor. Accordingly, greatest emphasis shall be placed on countries and activities which effectively involve the poor in development, by expanding their access to the economy through services and institutions at the local level, increasing labor-intensive production, spreading productive investment and services out from major cities to small towns and outlying rural areas, and otherwise providing opportunities for the poor to better their lives through their own effort.

(d) Assessment criteria

For the purpose of assuring that development assistance furnished under this part is increasingly concentrated in countries which will make effective use of such assistance to help the poor toward a better life (especially such countries which are suffering from the worst and most widespread poverty and are in greatest need of outside assistance), the President shall establish appropriate criteria to assess the commitment and progress of countries in meeting the objectives set forth in subsection (c) of this section and in other sections of this part. In estab-

lishing such criteria, the President shall specifically take into account their value in assessing the efforts of countries to—

(1) increase agricultural productivity per unit of land through small-farm labor-intensive agriculture;

(2) reduce infant mortality;

(3) control population growth;

(4) promote greater equality of income distribution, including measures such as more progressive taxation and more equitable returns to small farmers; and

(5) reduce rates of unemployment and underemployment.

The President shall endeavor to bring about the adoption of similar criteria by international development organizations in which the United States participates. Presentation materials submitted to the Congress with respect to assistance under this part, beginning with fiscal year 1977, shall contain detailed information concerning the steps being taken to implement this subsection.

(Pub. L. 87-195, pt. I, § 102, Sept. 4, 1961, 75 Stat. 424; Pub. L. 87-565, pt. I, § 101, Aug. 1, 1962, 76 Stat. 255; Pub. L. 88-205, pt. I, § 101(c), Dec. 16, 1963, 77 Stat. 379; Pub. L. 89-171, pt. I, § 101, Sept. 6, 1965, 79 Stat. 653; Pub. L. 89-583, pt. I, § 101, Sept. 19, 1966, 80 Stat. 796; Pub. L. 90-137, pt. I, § 101, Nov. 14, 1967, 81 Stat. 445; Pub. L. 93-189, § 2(2), Dec. 17, 1973, 87 Stat. 714; Pub. L. 94-161, title III, § 301, Dec. 20, 1975, 89 Stat. 855.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out below and Tables volume.

The Agricultural Trade Development and Assistance Act of 1954, referred to in subsec. (a), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified generally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1975—Subsecs. (c), (d). Pub. L. 94-161 added subsecs. (c) and (d).

1973—Pub. L. 93-189 designated existing provisions as subsec. (a) and added subsec. (b).

1967—Pub. L. 90-137, in providing a new statement of policy, reaffirming basic foreign assistance principles, and recognizing new problems and need for new priorities, substituted five pars. concerned with (1) freedom, security, prosperity, aggression, subversion, ignorance, want, despair, and national security; (2) economic cooperation and trade among countries, etc. (a reenactment of former sixth par. less provision for resort to international law procedures in adjudication of issues among friendly countries in support of such economic cooperation, etc.); (3) seven principles pertaining to: self-help efforts and responsibility of the country, multilateral basis of involvement and cooperation, regional cooperation, food production and voluntary family planning, balance of payments, maximum dollar effectiveness, and coordination of overall assistance; (4) Permanent Peace in the Middle East; and (5) suspension of assistance after severance of diplomatic relations for former sixteen pars. relating to: (1) dignity and interdependence of man, and freedom; (2) resources development, living standards improvement, and aspirations for justice, education, etc., now covered in par. (1); (4) free economic institutions and flow of private investment capital; (5) investment guaranties; (6) economic cooperation and trade among countries, etc., as described for par. (2); (7) long-range continuity and disposal of surplus property and agricultural crops; (8) world peace, national security, and dangers of international communism; (9) countries sharing United States views on world crisis; (10) loan guarantees and related technical assistance and development program; (11) regional organizations for mutual assistance; (12) prohibition of assistance for short-term emergency purposes; (13) common undertaking of countries to meet goals; (14) discretionary assistance by the President to South Vietnam to gain victory in the war against communism and return to homeland of Americans from that struggle; (15) damage or destruction by mob action of United States property and termination of assistance, now covered in section 2370(j) of this title; and (16) use of United States Armed Forces, now covered in section 2409 of this title.

1966—Pub. L. 89-583 provided for termination of assistance to any foreign country which does not take appropriate measures to provide compensation for damage or destruction by mob action of United States property within such country and declared that furnishing assistance shall not be construed as creating a new commitment or as affecting any existing commitment to use armed forces of the United States for the defense of any foreign country.

1965—Pub. L. 89-171 added the expressions of the sense of Congress that in furnishing assistance under this subchapter excess personal property shall be utilized wherever practicable in lieu of the procurement of new items for United States-assisted projects and programs and that assistance under this chapter and other statutes should be terminated to any country permitting damage to or destruction of U.S. property within such country by mob action or by failing to take adequate preventive measures.

1963—Pub. L. 88-205 declared that institution of full investment guaranty programs with all recipient countries would be regarded as a significant measure of self-help by such countries improving investment climate, that assistance to maintain freedom from communism "shall" rather than "should" emphasize long-range development, that in the administration of programs of assistance, every precaution be taken to assure that assistance is not diverted to any short-term emergency purpose or any purpose not essential to long-range economic development, that other industrialized free-world countries increase their contributions and assistance to more equitably share the burden, and the President should in his discretion, extend or withhold assistance from South Vietnam to further victory and the return home of Americans involved in the struggle there.

1962—Pub. L. 87-565 declared distinctions made by foreign nations between American citizens because of race, color, or religion, relating to rights available to such citizens, to be repugnant to our principals, required in the administration of these funds, that consideration be given those countries sharing our world views and which do not divert their resources to military or propaganda efforts, supported by the Soviet Union or Communist China, against the United States or countries receiving aid under this chapter, that the

highest emphasis be given to programs for loans or loan guarantees for use by organizations in making low-interest loans to individuals in friendly countries for the purchase of small farms, purchase of homes, aiding or establishing small businesses, purchase of tools and equipment for an occupation or trade, or to obtain practical education in vocational skills, and to programs of technical assistance and development, each assisted country should be encouraged to recognize needs of the people in the preparation of national development programs, and declared that friendly nations are to be invited, where possible, to join in missions to consult with countries receiving assistance on the possibilities of joint action to assure effective development of economic development plans and effective use of assistance provided them, and that the President may request international financial institutions to assist in establishing such missions.

SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94-329, June 30, 1976, 90 Stat. 729, provided: "That this Act [enacting sections 2292h, 2292i, 2321j, 2347, 2347a, 2347b, 2371, 2394a, 2428, 2429, 2755, 2765, 2778, and 2779 of this title, amending sections 2183, 2222, 2261, 2291, 2291a, 2292f, 2304, 2312, 2314, 2318, 2321b, 2321h, 2321i, 2346a, 2370, 2382, 2383, 2384, 2386, 2392, 2394, 2396, 2403, 2415, 2416, 2417, 2441, 2443, 2751, 2751 note, 2752, 2753, 2761, 2762, 2763, 2771, 2776, 2791, 2792, and 2794 of this title, repealing sections 2321a, 2415 note, 2431, 2431 notes, 2432, 2432 note, 2433, 2433 note, 2434, and 2435, and enacting provisions set out as notes under sections 2151, 2162, 2291, 2292, 2314, 2321a, 2321b, 2347, 2352, 2370, 2428, 2431, 2441, 2751, 2753, 2763, 2776, and 2778 of this title] may be cited as the 'International Security Assistance and Arms Export Control Act of 1976'."

SHORT TITLE OF 1975 AMENDMENT

Section 1 of Pub. L. 94-161, Dec. 20, 1975, 89 Stat. 849, provided: "That this Act [which redesignated as sections 2292c to 2292e former sections 2262, 2399-1a, and 2399-1b of this title, enacted sections 2151a-1, 2151d, 2151e, 2151n, 2220a to 2220e, 2292 to 2292b, 2292f, and 2425 to 2427 of this title and sections 1691a, 1711, 1726, and 1736f of Title 7, Agriculture, amended sections 2151, 2151a, 2151b, 2151c, 2151h, 2151i, 2151k, 2169, 2174, 2181 to 2183, 2221, 2222, 2225, 2293, 2357 and 2421 of this title and sections 1691, 1703, 1706, 1709, 1721, 1736, 1736a, and 1736b of Title 7, repealed sections 2151d, 2151e, 2201, 2292, and 2399 of this title, and enacted provisions set out as a note under section 2220a of this title and as a note under section 1691a of Title 7] may be cited as the 'International Development and Food Assistance Act of 1975'."

SHORT TITLE OF 1974 AMENDMENTS

Section 1 of Pub. L. 93-559, Dec. 30, 1974, 88 Stat. 1795, provided: "That this Act [enacting sections 2151m, 2175a, 2182a, 2225, 2293, 2304, 2321h, 2321i, 2419 to 2424, 2435, and 2441 to 2443 of this title, amending sections 278, 2151a to 2151c, 2163, 2181, 2183, 2219a, 2222, 2261, 2312, 2318, 2321b, 2321f, 2346a, 2360, 2364, 2370, 2394, 2399, 2413, 2415, 2416, 2753, 2763, 2764, 2771, 2773, 2775, and 2776 of this title, repealing sections 2151j and 2200 of this title, enacting provisions set out as notes under sections 2166, 2175, 2311, 2370, 2399, 2406, 2415, 2431 to 2433, 2551, and 2764 of this title, and repealing provisions set out as a note under section 2151 of this title] may be cited as the 'Foreign Assistance Act of 1974'."

Section 1 of Pub. L. 93-390, Aug. 27, 1974, 88 Stat. 763, provided: "That this Act [which amended sections 2191, 2194, 2195, 2197, 2199, 2200 and 2200a of this title] may be cited as the 'Overseas Private Investment Corporation Amendments Act of 1974'."

Section 1 of Pub. L. 93-333, July 8, 1974, 88 Stat. 290, provided: "That this Act [enacting section 2292c of this title, amending section 2292d of this title, and enacting provisions set out as notes under sections 2151 and 2395 of this title] may be cited as the 'Foreign Disaster Assistance Act of 1974'."

SHORT TITLE OF 1973 AMENDMENT

Section 1 of Pub. L. 93-189, Dec. 17, 1973, 87 Stat. 714, provided: "That this Act [which enacted sections 2151a to 2151*l*, 2303, 2399-1a, 2399-1b, 2399c, 2399d, 2431 to 2434 and 2794 of this title, amended sections 285n, 1934, 2151, 2163, 2171, 2174, 2181, 2183, 2195, 2200, 2212, 2219a, 2221, 2222, 2261, 2291, 2291a, 2311, 2312, 2314, 2318, 2321b, 2321f, 2346a, 2367, 2370, 2385, 2394, and section 2397 of this title, repealed sections 2314a, 2319 to 2321, 2321e, 2321g, and 2346a, of this title, and enacted provisions set out as notes under sections 1942, 2151, 2163, 2220, 2415, and 2431 of this title] may be cited as the "Foreign Assistance Act of 1973'."

SHORT TITLE OF 1972 AMENDMENT

Section 1 of Pub. L. 92-226, Feb. 7, 1972, 86 Stat. 20 provided: "That this Act [which enacted sections 2180a, 2199(g), 2222(f), 2291, 2292, 2321b(e), 2321d to 2321g, 2346 to 2346b, 2370(v), (w), 2384(e), and 2413 to 2418 of this title, amended sections 276, 290f, 1476, 1928b, 2162(a), 2163, 2169, 2172, 2174(c), 2181, 2183(i), 2198(c), 2200(h), 2212(a), 2219a, 2222(a), (b)(2), (e), 2261(a), 2312(a), 2314(b)(2), (e), 2318(a), 2319(a), 2321b(a), (b), 2394(d), 2397(a), 2403(m), 2411, 2684, 2771, 2773(a), (c), and 2791 of this title and section 5314(9) of Title 5, Government Organization and Employees, repealed sections 2165, 2241 to 2243, and 2394(a) of this title, and enacted provisions set out as notes under section 287e, 2151, 2411, 2417, and 2680 of this title] may be cited as the 'Foreign Assistance Act of 1971'."

SHORT TITLE OF 1971 AMENDMENT

Section 1 of Pub. L. 91-652, Jan. 5, 1971, 84 Stat. 1943, provided: "That this Act [which enacted section 2411 of this title, amended sections 2261 and 2242 of this title, and enacted provisions set out as notes under sections 2261, 2302, and 2411 of this title] may be cited as the 'Special Foreign Assistance Act of 1971'."

SHORT TITLE OF 1969 AMENDMENT

Section 1 of Pub. L. 91-175, Dec. 30, 1969, 83 Stat. 806, provided that: "This Act [enacting sections 290f, 2179, 2180, 2194 to 2200a and 2321a of this title, amending sections 2162, 2163, 2172, 2174, 2181 to 2183, 2191 to 2193, 2212, 2219a, 2221, 2222, 2242, 2261, 2312, 2318, 2360, 2362, 2370, 2384, 2394, 2396, 2397 and 2402 of this title, section 846 of Title 31, Money and Finance, and sections 3343, 3581, 3582 and 5314 to 5316 of Title 5, Government Organization and Employees, and enacting provision set out as a note under section 2151 of this title], may be cited as the 'Foreign Assistance Act of 1969'."

SHORT TITLE OF 1968 AMENDMENT

Section 1 of Pub. L. 90-554, Oct. 8, 1968, 82 Stat. 960, provided: "That this Act [which enacted sections 2381a, 2399b, and 2410 of this title and section 617 of Title 16, Conservation, amended sections 2161, 2162, 2171, 2172, 2174, 2181, 2184, 2212, 2218, 2219a, 2222, 2242, 2261, 2312, 2318-2320, 2354, 2357, 2370, 2381, 2385, 2396, and 2397 of this title, and enacted provisions set out as a note under section 2151 of this title] may be cited as the 'Foreign Assistance Act of 1968'."

SHORT TITLE OF 1967 AMENDMENT

Section 1 of Pub. L. 90-137, Nov. 8, 1967, 81 Stat. 445, provided: "That this Act [which enacted sections 2167 to 2169, 2178, 2219, 2219a, 2220, 2224, 2243, 2302, 2341 to 2345, and 2409 of this title, amended sections 276, 276c-1, 1928b to 1928d, 1934, 2151, 2161, 2162, 2165, 2171, 2172, 2174, 2181 to 2184, 2192, 2211, 2212, 2218, 2221, 2222, 2241, 2242, 2261, 2271, 2301, 2302, 2311, 2312, 2314, 2318 to 2321, 2341 to 2345, 2351, 2358, 2360, 2361, 2364, 2384 to 2386, 2389, 2392, 2394 to 2397, 2399a, and 2403 of this title, repealed sections 2217b and 2317(a) of this title, and enacted provision set out

as a note under section 2395 of this title] may be cited as the 'Foreign Assistance Act of 1967'."

SHORT TITLE OF 1966 AMENDMENT

Section 1 of Pub. L. 89-583, Sept. 19, 1966, 80 Stat. 795, provided: "That this Act [which enacted sections 2217 to 2217b, 2218, 2281, and 2322 of this title and amended sections 2151, 2161, 2162, 2165, 2171, 2172, 2174, 2181, 2182, 2184, 2211, 2212, 2221, 2222, 2241, 2242, 2261, 2312, 2314, 2316, 2318, 2320, 2351, 2354, 2358, 2360, 2362, 2364, 2370, 2382, 2384, 2394, 2395, and 2397 of this title] may be cited as the 'Foreign Assistance Act of 1966'."

SHORT TITLE OF 1965 AMENDMENT

Section 1 of Pub. L. 89-171, Sept. 6, 1965, 79 Stat. 653, provided: "That this Act [which enacted sections 2166, 2399, 2399a and 2408 of this title, and amended sections 2151, 2165, 2172, 2174, 2181 to 2184, 2212, 2221, 2222, 2242, 2261, 2311 to 2313, 2315 to 2320, 2355, 2362, 2363, 2370, 2382, 2384 to 2386, 2390, 2391, 2395 to 2398, 2403, and 2404 of this title, section 1707 of Title 7, Agriculture, and provisions set out as a note under section 2151 of this title] may be cited as the 'Foreign Assistance Act of 1965'."

SHORT TITLE OF 1964 AMENDMENT

Section 1 of Pub. L. 88-633, Oct. 7, 1964, 78 Stat. 1009, provided: "That this Act [which enacted sections 2177, 2321, and 2407 of this title, amended sections 276, 1754, 2161, 2172, 2174, 2176, 2181, 2184, 2192, 2212, 2222, 2242, 2261, 2311, 2312, 2315, 2317, 2318, 2320, 2351, 2362, 2370, 2385, 2386, and 2397 of this title, and enacted provisions set out as a note under section 2151 of this title] may be cited as the 'Foreign Assistance Act of 1964'."

SHORT TITLE OF 1963 AMENDMENT

Section 1 of Pub. L. 88-205, Dec. 16, 1963, 77 Stat. 379, provided that: "This Act [enacting sections 816, 1138a, 2216, 2320, 2398, and 2684 of this title, amending sections 961, 1136, 1139, 1251, 1928a, 1943, 2161, 2162, 2172, 2174, 2181, 2182, 2184, 2201, 2211 to 2213, 2222, 2242, 2261, 2312, 2313, 2318, 2319, 2351, 2361, 2362, 2370, 2381, 2384, 2386, 2391, 2395 to 2397, 2403, and 2404 of this title, sections 1701, 1705, 1706, and 1722 of Title 7, Agriculture, and section 1861 of Title 19, Customs Duties, enacting provisions set out as notes under sections 1942 and 2151 of this title, and section 1706 of Title 7, and repealing provisions set out as notes under this section and section 2301 of this title], may be cited as the 'Foreign Assistance Act of 1963'."

SHORT TITLE OF 1962 AMENDMENT

Section 1 of Pub. L. 87-565, Aug. 1, 1962, 76 Stat. 255, provided that Pub. L. 87-565, which enacted sections 2211 to 2213 of this title, amended sections 276, 2151, 2161, 2171, 2172, 2181, 2182, 2184, 2192, 2222, 2242, 2261, 2271, 2314, 2315, 2318, 2360, 2361, 2368, 2370, 2381, 2384, 2385, 2389, 2394, 2395, 2397, 2402 to 2404, 2452, and 2669 of this title, repealed section 2173 of this title, enacted provisions set out as a note under section 2452 of this title, and repealed Part IV of the Foreign Assistance Act of 1961, which repeal shall not be deemed to affect amendments contained in such Part, may be cited as the "Foreign Assistance Act of 1962."

SHORT TITLE

Section 1 of Pub. L. 87-195, as added by Pub. L. 87-329, title I, § 111, Sept. 30, 1961, 75 Stat. 719, provided: "That this Act [enacting this chapter and sections 1613d and 1945 of this title, amending sections 276, 279a, 1041, 1112, 1136, 1148, 1157, 1754, 1783, 1925, 1951 and 1964 of this title, section 1704 of Title 7, Agriculture, and sections 1651 and 1701 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under sections 276, 1613d 1925, and 2151 of this title, and repealing sections 1750, 1750a, 1750b to 1753a, 1755 to 1759, 1760, 1761 to 1765, 1766a to 1766c, 1767a, 1768, 1781, 1782, 1784 to 1795, 1797, 1811, 1812 to 1817, 1841, 1851, 1852, 1854, 1870, 1871 to 1876, 1891 to 1896, 1897, 1920, 1921, 1923, 1924, 1926, 1927, 1929, 1931, 1933, 1935, 1936, 1939 to 1940a, 1941, 2051 to 2053, 2071 and 2072 of this title, Reorganization Plan No. 7 of 1953, and provisions set out as notes under sections 1753, 1783, 1922, 1928b, 1939 and 1951 of this title] may be cited as "The Foreign Assistance Act of 1961'."

REPEALS

Section 101 of Pub. L. 87-195 which provided that this subchapter should be cited as the "Act for International Development of 1961" was repealed by section 101(b) of Pub. L. 88-205.

Section 642 of Pub. L. 87-195, as amended by Pub. L. 89-171, pt. III, § 303(a), Sept. 6, 1965, 79 Stat. 661, provided that:

"(a) There are hereby repealed—

"(1) Reorganization Plan Numbered 7 of 1953 [formerly set out as a note under section 1785 of this title].

"(2) the Mutual Security Act of 1954, as amended [section 1750 et seq. of this title] (except sections 402, 405(a), 405(c), 405(d), 408, 414, 417, 451(c), 502(a), 502(b), 514, 523(d), and 536 [sections 1922, 1925(a), 1925(c), 1925(d), 1928, 1934, 1937, 1951(c), 1754(a), (b), 1766, 1783(d) and 1796 of this title]);

"(3) section 12 of the Mutual Security Act of 1955 [formerly set out as a note under section 1811 of this title];

"(4) sections 12, 13, and 14 of the Mutual Security Act of 1956 [section 1870 of this title and notes formerly set out under sections 1753 and 1939 of this title];

"(5) section 503 of the Mutual Security Act of 1958 [section 1750a of this title];

"(6) section 108 of the Mutual Security Appropriation Act, 1959 [formerly set out as a note under section 1922 of this title];

"(7) section 501(a), chapter VI, and sections 702 and 703 of the Mutual Security Act of 1959, as amended [sections 1941, and 2051 to 2053 of this title and notes formerly set out under sections 1928b and 1951 of this title]; and

"(8) section 604 and chapter VII of the Mutual Security Act of 1960 [sections 2071 and 2072 of this title and note formerly set out under section 1783 of this title].

"(b) References in law to the Acts, or provisions of such Acts, repealed by subsection (a) of this section shall hereafter be deemed to be references to this Act [see Short Title note for the Foreign Assistance Act of 1961 above] or appropriate provisions of this Act.

"(c) The repeal of the Acts listed in subsection (a) of this section shall not be deemed to affect amendments contained in such Acts to Acts not named in that subsection."

AUTHORIZATION OF APPROPRIATION FOR USE OF MILITARY FACILITIES IN SPAIN, GREECE, OR TURKEY

Pub. L. 94-329, title V, § 507, June 30, 1976, 90 Stat. 765, provided that:

"(a) In addition to any amounts authorized to be appropriated by any amendment made by this Act [see Short Title of 1976 Amendment note set out above] which may be available for such purpose, there are authorized to be appropriated such sums as may be necessary for the fiscal year 1977 to carry out international agreements or other arrangements for the use by the Armed Forces of the United States of military facilities in Spain, Greece, or Turkey.

"(b) No funds appropriated under this section may be obligated or expended to carry out any such agreement or other arrangement until legislation has been enacted approving such agreement or other arrangement."

CONTROL OF MILITARY FORCES IN THE INDIAN OCEAN

Pub. L. 94-329, title IV, § 407, June 30, 1976, 90 Stat. 759, provided that:

"(a) It is the sense of Congress that the President should undertake to enter into negotiations with the Soviet Union intended to achieve an agreement limiting the deployment of naval, air, and land forces of the Soviet Union and the United States in the Indian Ocean and littoral countries. Such negotiations should be convened as soon as possible and should consider, among other things, limitations with respect to—

"(1) the establishment or use of facilities for naval, air, or land forces in the Indian Ocean and littoral countries;

"(2) the number of naval vessels which may be deployed in the Indian Ocean, or the number of 'ship-days' allowed therein; and

"(3) the type and number of military forces and facilities allowed therein.

"(b) Not later than December 1, 1976, the President shall transmit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate with respect to steps he has taken to carry out the provisions of this section."

ACCESS TO CERTAIN MILITARY BASES ABROAD

Pub. L. 93-559, § 29(b), Dec. 30, 1974, 88 Stat. 1803, repealed provisions of section 29 of Pub. L. 93-189 relating to access to certain military bases abroad, such provisions having been enacted by section 29(a) of Pub. L. 93-559 as section 2419 of this title.

FUTURE OF UNITED STATES ASSISTANCE TO SOUTH VIETNAM; REDUCTION OF CERTAIN PERSONNEL ABROAD; REPORTS TO CONGRESS

Pub. L. 93-475, § 15, Oct. 26, 1974, 88 Stat. 1443 provided that:

"(a) It is the sense of the Congress that—

"(1) the Secretary of State should prepare a detailed plan for future United States economic and military assistance to the Government of South Vietnam, including a specific timetable for the phased reduction of such assistance to the point when the United States will cease to be the principal source of funds and material for South Vietnam's self-defense and economic viability;

"(2) the total number of personnel of the executive branch of the United States Government (other than personnel of the Department of State, the United States Information Agency, the Central Intelligence Agency, and the Department of Defense, and volunteers carrying out the Peace Corps Act [section 2501 et seq. of this title] who were present in foreign countries on January 1, 1974, and who were citizens or nationals of the United States, should be substantially reduced; and

"(3) the total number of personnel of the Department of Defense assigned or detailed to military attache activities or to military assistance advisory groups or military aid missions, who were present in foreign countries on January 1, 1974, and who were citizens or nationals of the United States, should be substantially reduced.

"(b) Not later than six months after the date of enactment of this Act [Oct. 26, 1974] the Secretary shall report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate on the steps he has taken to carry out the provisions of this section."

TERMINATION OF INDOCHINA WAR

Section 30 of Pub. L. 93-189 provided that: "No funds authorized or appropriated under this or any other law may be expended to finance military or paramilitary operations by the United States in or over Vietnam, Laos, or Cambodia."

LIMITATION ON USE OF FUNDS

Section 31 of Pub. L. 93-189 provided that: "No funds authorized or appropriated under any provision of law shall be made available for the purpose of financing directly or indirectly any military or paramilitary combat operations by foreign forces in Laos, Cambodia, North Vietnam, South Vietnam, or Thailand unless (1) such operations are conducted by the forces of that government receiving such funds within the borders of that country, or (2) specifically authorized by law enacted after the date of enactment of this Act [Dec. 17, 1973]."

DENIAL OF ASSISTANCE TO GOVERNMENTS PRACTICING INTERNMENT FOR POLITICAL PURPOSES

Section 32 of Pub. L. 93-189 provided that: "It is the sense of Congress that the President should deny any economic or military assistance to the government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes."

AUTHORIZATION OF APPROPRIATIONS TO THE ALBERT SCHWEITZER HOSPITAL

Section 33 of Pub. L. 93-189 authorized appropriations of $1,000,000 for fiscal year 1974, for Presidential grants to the Albert Schweitzer Hospital in Gabon.

COOPERATION FOR INFORMATION RELATING TO PRISONERS OF WAR AND INDIVIDUALS MISSING IN ACTION

Section 34 of Pub. L. 93-189 provided that:

"(a) The Congress declares that—

"(1) the families of those one thousand three hundred individuals missing in action during the Indochina conflict have suffered extraordinary torment in ascertaining the full and complete information about their loved ones who are formally classified as missing in action;

"(2) United States involvement in the Indochina conflict has come to a negotiated end with the signing of the Vietnam Agreement in Paris on January 27, 1973, and section 307 of the Second Supplemental Appropriations Act, 1973, requires that 'None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam, and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose.';

"(3) the question of the return of prisoners of war and accounting for individuals missing in action and dead in Laos is covered by article 18 of the Protocol signed by representatives of the Lao Patriotic Front (Pathet Lao) and the Royal Laotian Government in Vientiane on September 14, 1973 (which implements article 5 of the Agreement signed by the Pathet Laos and that government in Vientiane on February 21, 1973, requiring the release of all prisoners 'regardless of nationality' captured and held in Laos), and paragraph C of such article 18 provides that, within '15 to 30 days' from the date of the signing of the Protocol, each side is to report the number of those prisoners and individuals still held, with an indication of their nationality and status, together with a list of names and any who died in captivity; and

"(4) few of the United States men lost in Laos during the military engagement in Indochina have been returned, and with knowledge about many of these men not yet being fully disclosed, and the North Vietnam cease-fire provisions calling for inspection of crash and grave sites and for other forms of cooperation have not been fully complied with.

"(b) It is, therefore, the sense of the Congress that—

"(1) the provisions for the release of prisoners and an accounting of individuals missing and dead, as provided for in article 18 of the Protocol signed on September 14, 1973, by the Pathet Lao and the Royal Laotian Government, be adhered to in spirit and in deed; and

"(2) the faithful compliance with the spirit of the Laotian Agreement and Protocol on the question of individuals missing in action will encourage all parties in Indochina to cooperate in providing complete information on all nationals of any nation who may be captured or missing at any place in Indochina."

PROTECTION OF HUMAN RIGHTS AND SUPPORT OF INTERNATIONAL HUMANITARIAN ACTIVITIES IN CHILE

Section 35 of Pub. L. 93-189 provided that: "It is the sense of the Congress that (1) the President should request the Government of Chile to protect the human rights of all individuals, Chilean and foreign, as provided in the Universal Declaration of Human Rights, the Convention and Protocol Relating the Status of Refugees, and other relevant international legal instruments guaranteeing the granting of asylum, safe conduct, and the humane treatment or release of prisoners; (2) the President should support international humanitarian initiatives by the United Nations High Commissioner for Refugees and the International Committee of the Red Cross to insure the protection and safe conduct and resettlement of political refugees, the humane treatment of political prisoners, and the full inspection of detention facilities under international auspices; (3) the President should support and facilitate efforts by voluntary agencies to meet emergency relief needs; and (4) the President should request of the Inter-American Commission on Human Rights to undertake an immediate inquiry into recent events occurring in Chile."

PROHIBITION ON ASSISTANCE TO NORTH VIETNAM

Section 37 of Pub. L. 93-189 provided that: "Notwithstanding any other provision of law, no funds authorized by this Act [see Short Title of 1973 Amendment note above] shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam), unless by an Act of Congress assistance to North Vietnam is specifically authorized."

REPORT CONCERNING CERTAIN USE OF MILITARY ASSISTANCE IN AFRICA

Section 38 of Pub. L. 93-189 provided that:

"The President of the United States shall, as soon as practicable following the date of the enactment of this Act [Dec. 17, 1973], make a determination and report to Congress with respect to the use, if any, by any non-African country in support of its military activities in its African territories of—

"(1) assistance furnished under the Foreign Assistance Act of 1961 [see Short Title note above] after the date of the enactment of this Act;

"(2) defense articles or services furnished after such date under the Foreign Military Sales Act [section 2751 et seq. of this title]; or

"(3) agricultural commodities furnished after such date under the Agricultural Trade Development and Assistance Act of 1954 [section 1691 et seq. of Title 7, Agriculture]."

USE OF ACCRUED FOREIGN CURRENCIES

Section 40 of Pub. L. 93-189 provided that: "Effective July 1, 1974, no amount of any foreign currency (including principal and interest from loan repayments) which accrues in connection with any sale for foreign currency under any provision of law may be used under any agreement entered into after the date of the enactment of this Act [Dec. 17, 1973], or any revision or extension entered into after such date of any prior or subsequent agreement, to provide any assistance to any foreign country to procure equipment, materials, facilities, or services for the common defense, including internal security, unless such agreement is specifically authorized by legislation enacted after such date."

FOOD-FOR-PEACE PROGRAM; FOREIGN ASSISTANCE AUTHORIZATIONS REDUCTION WITHOUT REDUCTION OF FUNDS FOR FOOD-FOR-PEACE PROGRAM

Pub. L. 92-226, § 2, Feb. 7, 1972, 86 Stat. 20, provided that: "It is the sense of the Congress that funds to administer the food-for-peace program should not be reduced as the result of any reduction in the authorizations provided to carry out the Foreign Assistance Act of 1961 [see Short Title note above]."

RELIGIOUS FREEDOM AND PERSECUTION

Pub. L. 88-633, pt. V, § 501, Oct. 7, 1964, 78 Stat. 1015, provided that: "It is the sense of the Congress that the United States deeply believes in the freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world. The Congress condemns the persecution of any persons because of their religion. It is further the sense of Congress that all persons should be permitted the free exercise of religion and the pursuit of their culture."

REAPPRAISAL OF FOREIGN ASSISTANCE PROGRAMS

Pub. L. 90-554, pt. V, Oct. 8, 1968, 82 Stat. 966. provided that:

"SEC. 501. [DECLARATION OF POLICY]. The Congress declares that, in view of changing world conditions and the continued need to make United States foreign assistance programs an effective implement of United States foreign policy, there should be a comprehensive review and reorganization of all United States foreign assistance programs, including economic development and technical assistance programs, military assistance and sales programs, and programs involving contributions and payments by the United States to international lending institutions and other international organizations concerned with the development of friendly foreign countries and areas.

"SEC. 502. [REAPPRAISAL BY THE PRESIDENT]. (a) In furtherance of the policy of this part, the President is requested to make a thorough and comprehensive reappraisal of United States foreign assistance programs, as described in section 501, and to submit to the Congress, on or before March 31, 1970, his recommendations for achieving such reforms in and reorganization of future foreign assistance programs as he determines to be necessary and appropriate in the national interest in the light of such reappraisal. The President is requested to submit to the Congress, on or before July 1, 1969, an interim report presenting any preliminary recommendations formulated by him pursuant to this section.

"(b) It is the sense of the Congress that the reappraisal provided for in subsection (a) should include, but not be limited to, an analysis and consideration of proposals concerning the establishment of a Government corporation or a federally chartered private corporation designed to mobilize and facilitate the use of United States private capital and skills in less developed friendly countries and areas, including whether such corporation should be authorized to—

"(1) utilize Government guarantees and funds as well as private funds;

"(2) seek, develop, promote, and underwrite new investment projects;

"(3) assist in transferring skills and technology to less developed friendly countries and areas; and

"(4) invest in the securities of development financing institutions and assist in the formation and expansion of local capital markets."

VIETNAM CONFLICT; PEACEMAKING EFFORTS

Pub. L. 90-5, title IV, § 401, Mar. 16, 1967, 81 Stat. 6, enunciated Congressional policy (1) to provide necessary support for members of the Armed Forces of the United States fighting in Vietnam; (2) for Congressional support of the President of the United States and other men of good will throughout the world to prevent an expansion of the war in Vietnam and to bring that conflict to an end through a negotiated settlement; and (3) for Congressional support for a con-

vention of nations participating in the Geneva Conferences or any other similar meeting of nations for purpose of pursuing the general principles of the Geneva accords of 1954 and 1962 and for formulating plans for bringing the conflict to an honorable conclusion.

COMMUNIST REGIME IN CHINA

Pub. L. 91-194, title I, § 105, Feb. 9, 1970, 84 Stat. 7, related to Congressional opposition to the seating in the United Nations of the Communist regime in China as the representative of China, and requested the President, in the event of the seating of representatives of the Chinese Communist regime in the Security Council or the General Assembly of the United Nations, to inform the Congress of the implications of the seating upon the foreign policy of the United States.

Similar provisions were contained in the following prior acts:

Oct. 17, 1968, Pub. L. 90-581, title I, § 105, 82 Stat. 1139.

Jan. 2, 1968, Pub. L. 90-249, title I, § 105, 81 Stat. 938.

Oct. 15, 1966, Pub. L. 89-691, title I, § 105, 80 Stat. 1020.

Oct. 20, 1965, Pub. L. 89-273, title I, § 105, 79 Stat. 1003.

Oct. 7, 1964, Pub. L. 88-634, title I, § 105, 78 Stat. 1017.

Jan. 6, 1964, Pub. L. 88-258, title I, § 105, 77 Stat. 858.

Oct. 23, 1962, Pub. L. 87-872, title I, § 105, 76 Stat. 1164.

Sept. 30, 1961, Pub. L. 87-329, title I, § 107, 75 Stat. 718.

Sept. 2, 1960, Pub. L. 86-704, title I, § 107, 74 Stat. 779.

Sept. 28, 1959, Pub. L. 86-383, title I, § 112, 73 Stat. 720.

Aug. 28, 1958, Pub. L. 85-853, § 105, 72 Stat. 1101.

Sept. 3, 1957, Pub. L. 85-279, § 109, 71 Stat. 604.

July 31, 1956, ch. 803, § 108, 70 Stat. 735.

July 8, 1955, ch. 301, § 12, 69 Stat. 290.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2162, 2212 of this title.

§ 2151a. Food and nutrition

(a) General authorization

In order to alleviate starvation, hunger, and malnutrition, and to provide basic services to poor people, enhancing their capacity for self-help, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $291,000,000 for the fiscal year 1974, and $500,000,000 for the fiscal year 1975, $618,800,000 for the fiscal year 1976 and $745,000,000 for the fiscal year 1977, which amounts are authorized to remain available until expended.

(b) Congressional findings

The Congress finds that, due to rising world food, fertilizer, and petroleum costs, human suffering and deprivation are growing in the poorest and most slowly developing countries. The greatest potential for significantly expanding world food production at relatively low cost lies in increasing the productivity of small farmers who constitute a majority of the nearly one billion people living in those countries. Increasing the emphasis on rural development and expanded food production in the poorest nations of the developing world is a matter of social justice as well as an important factor in slowing the rate of inflation in the industrialized countries. In the allocation of funds under this section, special attention should be given to increasing agricultural production in the countries with per capita incomes under $300 a year and which are the most severely affected by sharp increases in worldwide commodity prices.

(c) Activities for increasing productivity and income of rural poor

Assistance provided under this section shall be used primarily for activities which are specifically designed to increase the productivity and income of the rural poor, through such means as creation and strengthening of local institutions linked to the regional and national levels; organization of a system of financial institutions which provide both savings and credit services to the poor; stimulation of small, labor-intensive enterprises in rural towns; improvement of marketing facilities and systems; expansion of local or small-scale rural infrastructure and utilities such as farm-to-market roads, land improvement, energy, and storage facilities; establishment of more equitable and more secure land tenure arrangements; and creation and strengthening of systems to provide other services and supplies needed by farmers, such as extension, research, training, fertilizer, water, and improved seed, in ways which assure access to them by small farmers.

(d) Foreign currency proceeds

Foreign currency proceeds from sales of commodities provided under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.] which are owned by foreign governments shall be used whenever practicable to carry out the provisions of this section.

(e) International Fund for Agricultural Development; authorization of appropriations for United States contribution

In order to carry out the purposes of this section, the President is authorized to participate in and provide, on such terms and conditions as he may determine, up to $200,000,000 to the International Fund for Agricultural Development. There is authorized to be appropriated to the President without fiscal year limitation $200,000,000 for such contribution.

(f) Articles of Agreement for International Fund for Agricultural Development; review and approval by Congressional Committees; combined goal of donor commitments: reduction of United States contribution; equitable burden sharing among contributors

No funds may be obligated to carry out subsection (e) of this section unless—

(1) satisfactory agreement is reached on the Articles of Agreement for the International Fund for Agricultural Development;

(2) such Articles of Agreement are reviewed and approved by the Senate Committee on Foreign Relations and the House Committee on International Relations;

(3) all donor commitments to the International Fund for Agricultural Development total at least $1,000,000,000 equivalent in convertible currencies, except that the United States contribution shall be proportionally reduced if this combined goal is not met; and

(4) there is equitable burden sharing among the different categories of contributors.

(g) Data concerning International Fund for Agricultural Development; submittal to Congress

The President shall submit to the Congress full and complete data concerning United States participation in, and operation of, the International Fund for Agricultural Development in the annual presentation materials on proposed economic assistance programs.

(Pub. L. 87-195, pt. I, § 103, as added Pub. L. 93-189, § 2(3), Dec. 17, 1973, 87 Stat. 715, and amended Pub. L. 93-559, § 2, Dec. 30, 1974, 88 Stat. 1795; Pub. L. 94-161, title III, § 302, Dec. 20, 1975, 89 Stat. 856.)

REFERENCES IN TEXT

The Agricultural Trade Development and Assistance Act of 1954, referred to in subsec. (d), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified generally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables volume.

AMENDMENTS

1975—Subsec. (a). Pub. L. 94-161, § 302(1), authorized appropriation of $618,800,000 and $745,000,000 for fiscal years 1976 and 1977, respectively.

Subsecs. (c) to (g). Pub. L. 94-161, § 302(2), added subsecs. (c) to (g).

1974—Subsec. (a). Pub. L. 93-559, § 2(1), (2), designated existing provisions as subsec. (a) and increased appropriations authorization for fiscal year 1975 to $500,000,000 from $291,000,000.

Subsec. (b). Pub. L. 93-559, § 2(3), added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151d, 2151h, 2220a, 2220d of this title; title 7 sections 1706, 1726.

§ 2151a-1. Agricultural research

Agricultural research carried out under this chapter shall (1) take account of the special needs of small farmers in the determination of research priorities, (2) include research on the interrelationships among technology, institutions, and economic, social, and cultural factors affecting small-farm agriculture, and (3) make extensive use of field testing to adapt basic research to local conditions. Special emphasis shall be placed on disseminating research results to the farms on which they can be put to use, and especially on institutional and other arrangements needed to assure that small farmers have effective access to both new and existing improved technology.

(Pub. L. 87-195, pt. I, § 103A, as added Pub. L. 94-161, title III, § 303, Dec. 20, 1975, 89 Stat. 857.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2220a of this title.

§ 2151b. Population planning and health

(a) In order to increase the opportunities and motivation for family planning, to reduce the rate of population growth, to prevent and combat disease, and to help provide health services for the great majority, the President is authorized to furnish assistance on such terms and conditions as he may determine, for population planning and health. There are authorized to be appropriated to the President for the purposes of this section, in addition to the funds otherwise available for such purposes, $145,000,000 for the fiscal year 1974, and $165,000,000 for the fiscal year 1975, $243,100,000 for the fiscal year 1976 and $275,600,000 for the fiscal year 1977, which amounts are authorized to remain available until expended. Not less than 67 percent of the funds made available under this section for any fiscal year shall be used for population planning, either in separate programs or as an element of health programs.

(b) Assistance provided under this section shall be used primarily for extension of low-cost, integrated delivery systems to provide health and family planning services, especially to rural areas and to the poorest economic sectors, using paramedical and auxiliary medical personnel, clinics and health posts, commercial distribution systems, and other modes of community outreach; health programs which emphasize disease prevention, environmental sanitation, and health education; and population planning programs which include education in responsible parenthood and motivational programs, as well as delivery of family planning services and which are coordinated with programs aimed at reducing the infant mortality rate, providing better nutrition to pregnant women and infants, and raising the standard of living of the poor.

(Pub. L. 87-195, pt. I, § 104, as added Pub. L. 93-189, § 2(3), Dec. 17, 1973, 87 Stat. 715, as amended Pub. L. 93-559, § 4(i), Dec. 30, 1974, 88 Stat. 1795; Pub. L. 94-161, title III, § 304, Dec. 20, 1975, 89 Stat. 857.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94-161, § 304(1) to (3), designated existing provisions as subsec. (a), authorized appropriations of $243,100,000 and $275,600,000 for fiscal years 1976 and 1977, and prescribed minimum percentage (67) of funds available for any fiscal year to be used for population planning, either in separate programs or as an element of health programs.

Subsec. (b). Pub. L. 94-161, § 304(4), added subsec. (b).

1974—Pub. L. 93-559 increased appropriations authorization for fiscal year 1975 to $165,000,000 from $145,000,000.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151d, 2151h, 2151m of this title; title 7 section 1706.

§ 2151c. Education and human resources development

(a) General authority

In order to reduce illiteracy, to extend basic education and to increase manpower training in skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for educa-

tion, public administration, and human resource development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $90,000,000 for the fiscal year 1974, and $92,000,000 for the fiscal year 1975, $89,200,000 for the fiscal year 1976 and $101,800,000 for the fiscal year 1977, which amounts are authorized to remain available until expended.

(b) Assistance related to nonformal education methods, formal education systems, and management capabilities of institutions directed at the poor

Assistance provided under this section shall be used primarily to expand and strengthen nonformal education methods, especially those designed to improve productive skills of rural families and the urban poor and to provide them with useful information; to increase the relevance of formal education systems to the needs of the poor, especially at the primary level, through reform of curricula, teaching materials, and teaching methods, and improved teacher training; and to strengthen the management capabilities of institutions which enable the poor to participate in development.

(c) Educational assistance to Southern Africans

Of the amount authorized to be appropriated by subsection (a) of this section, not less than $1,000,000 shall be available to support the southern African student program and the southern African training program, for the purpose of providing educational assistance to Southern Africans.

(Pub. L. 87-195, pt. I, § 105, as added Pub. L. 93-189, § 2(3), Dec. 17, 1973, 87 Stat. 715, and amended Pub. L. 93-559, § 5, Dec. 30, 1974, 88 Stat. 1796; Pub. L. 94-161, title III, § 305, Dec. 20, 1975, 89 Stat. 858.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94-161, § 305(a)(1), (2), designated existing provisions as subsec. (a) and authorized appropriation of $89,200,000 and $101,800,000 for fiscal years 1976 and 1977, respectively.

Subsecs. (b), (c), Pub. L. 94-161, § 305(a)(3), added subsecs. (b) and (c).

1974—Pub. L. 93-559 increased appropriations authorization for fiscal year 1975 to $92,000,000 from $90,000,000.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151d, 2151h of this title.

§ 2151d. Technical assistance for programs relating to energy, research, reconstruction, and selected development problems; authorization of appropriations; reimbursement of domestic private voluntary agencies for costs of shipment of food and nonfood commodities donated privately

(a) The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the following activities, to the extent that such activities are not authorized by sections 2151a, 2151b, and 2151c of this title:

(1) programs of technical cooperation and development, particularly the development efforts of United States private and voluntary agencies and regional and international development organizations;

(2) programs to help developing countries alleviate their energy problems by increasing their production and conservation of energy, through such means as research and development of suitable energy sources and conservation methods, collection and analysis of information concerning countries' potential supplies of and needs for energy, and pilot projects to test new methods of production or conservation of energy;

(3) programs of research into, and evaluation of, the process of economic development in less developed countries and areas, into the factors affecting the relative success and costs of development activities, and into the means, techniques, and such other aspects of development assistance as the President may determine in order to render such assistance of increasing value and benefit;

(4) programs of reconstruction following natural or manmade disasters;

(5) programs designed to help solve special development problems in the poorest countries and to make possible proper utilization of infrastructure and related projects funded with earlier United States assistance; and

(6) programs of urban development, with particular emphasis on small, labor intensive enterprises, marketing systems for small producers, and financial and other institutions which enable the urban poor to participate in the economic and social development of their country.

(b) There is authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $99,550,000 for the fiscal year 1976 and $104,500,000 for the fiscal year 1977, which amounts are authorized to remain available until expended. Of the amounts made available under this section, not less than $30,000,000 shall be available during the period beginning July 1, 1975, and ending September 30, 1977, only for reimbursement to private voluntary agencies of the United States for costs incurred with respect to the shipment of food and nonfood commodities provided through private donations.

(Pub. L. 87-195, pt. I, § 106, as added Pub. L. 94-161, title III, § 306(2), Dec. 20, 1975, 89 Stat. 858.)

PRIOR PROVISIONS

A prior section 2151d, Pub. L. 87-195, pt. I, § 106, as added Pub. L. 93-189, § 2(3), Dec. 17, 1973, 87 Stat. 715, authorized additional appropriations of $53,000,000 for fiscal years 1974, and 1975, for assistance to solve selected development problems in such fields as transportation, power, industry, urban development, and export development, was repealed by section 306(1) of Pub. L. 94-161, and is now covered by this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2151h of this title.

§ 2151e. Intermediate technology

Of the funds made available to carry out this part for the fiscal years 1976, 1977, and 1978, a total of $20,000,000 may be used for activities in the field of intermediate technology, through grants in support of an expanded and coordi-

nated private effort to promote the development and dissemination of technologies appropriate for developing countries. The Agency for International Development shall prepare a detailed proposal to carry out this section and shall keep the Senate Foreign Relations Committee and the House International Relations Committee fully and currently informed concerning the development of the proposal. The proposal shall be transmitted to these committees no later than March 31, 1976, and shall not be implemented until thirty days after its transmittal or until passage by each committee of a resolution in effect approving its implementation.

(Pub. L. 87-195, pt. I, § 107, as added Pub. L. 94-161, title III, § 306(2), Dec. 20, 1975, 89 Stat. 859.)

PRIOR PROVISIONS

A prior section 2151e, Pub. L. 87-195, pt. I, § 107, as added Pub. L. 93-189, § 2(3), Dec. 17, 1973, 87 Stat. 715, authorized additional appropriations of $39,000,000 for fiscal years 1974, and 1975, for assistance to select countries and organizations in support of general economy of recipient countries as for development programs conducted by private international organizations, was repealed by section 306(1) of Pub. L. 94-161, and is now covered by section 2151d of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2151h of this title.

§ 2151f. Application of existing provisions

Assistance under this part shall be furnished in accordance with the provisions of subparts I, II, or X of part II of this subchapter, and nothing in this part shall be construed to make inapplicable the restrictions, criteria, authorities, or other provisions of this chapter or any other Act in accordance with which assistance furnished under this part would otherwise have been provided.

(Pub. L. 87-195, pt. I, § 108, as added Pub. L. 93-189, § 2(3), Dec. 17, 1973, 87 Stat. 715.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2151g of this title.

§ 2151g. Transfer of funds

Notwithstanding section 2151f of this title, whenever the President determines it to be necessary for the purposes of this part, not to exceed 15 per centum of the funds made available for any provision of this part may be transferred to, and consolidated with, the funds made available for any other provision of this part, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 25 per centum of the amount of funds made available for such provision. The authority of sections 2360(a) and 2364(a) of this title may not be used to transfer funds made available under this part for use for purposes of any other provision of this chapter.

(Pub. L. 87-195, pt. I, § 109, as added Pub. L. 93-189, § 2(3), Dec. 17, 1973, 87 Stat. 716.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

§ 2151h. Cost-sharing and funding limits

(a) No assistance shall be furnished by the United States Government to a country under sections 2151a through 2151e of this title until the country provides assurances to the President, and the President is satisfied, that such country will provide at least 25 per centum of the costs of the entire program, project, or activity with respect to which such assistance is to be furnished, except that such costs borne by such country may be provided on an "in-kind" basis and except that the President may waive this cost-sharing requirement in the case of a project or activity in a country which the agency primarily responsible for administering subchapter I of this chapter determines is relatively least developed based on the United Nations Conference on Trade and Development list of "relatively least developed countries".

(b) No grant assistance shall be disbursed by the United States Government under sections 2151a through 2151e of this title for a project, for a period exceeding thirty-six consecutive months, without further justification satisfactory to the Congress and efforts being made to obtain sources of financing within that country and from other foreign countries and multilateral organizations.

(Pub. L. 87-195, pt. I, § 110, as added Pub. L. 93-189, § 2(3), Dec. 17, 1973, 87 Stat. 716, and amended Pub. L. 94-161, title III, § 307, Dec. 20, 1975, 89 Stat. 859.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1975—Subsec. (a). Pub. L. 94-161 authorized Presidential waiver of cost-sharing as a condition for being furnished project or activity assistance in the case of a relatively least developed country.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2220d of this title.

§ 2151i. Development and use of cooperatives

In order to strengthen the participation of the rural and urban poor in their country's development, high priority shall be given to increasing the use of funds made available under this chapter for assistance in the development of cooperatives in the less developed countries which will enable and encourage greater numbers of the poor to help themselves toward a better life. Not less than $20,000,000 of such funds shall be used during the fiscal years 1976 and 1977, including the period from July 1, 1976, through September 30, 1976, only for technical assistance to carry out the purposes of this section.

(Pub. L. 87-195, pt. I, § 111, as added Pub. L. 93-189, § 2(3), Dec. 17, 1973, 87 Stat. 716, and amended Pub. L. 94-161, title III, § 308, Dec. 20, 1975, 89 Stat. 859.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1975—Pub. L. 94-161 earmarked not less than $20,000,000 for technical assistance during fiscal years 1976 and 1977, including period from July 1, 1976, through Sept. 30, 1976, and deleted similar provision making such minimum sum available for use during fiscal years 1974 and 1975.

§ 2151j. Repealed. Pub. L. 93-559, § 30(b), Dec. 30, 1974, 88 Stat. 1804

Section, Pub. L. 87-195, pt. I, § 112, as added Pub. L. 93-189, § 2(3), Dec. 17, 1973, 87 Stat. 716, related to police training prohibition and is now covered by section 2420 of this title.

§ 2151k. Integrating women into national economies

Subchapter I of this chapter shall be administered so as to give particular attention to those programs, projects, and activities which tend to integrate women into the national economies of foreign countries, thus improving their status and assisting the total development effort.

(Pub. L. 87-195, pt. I, § 113, as added Pub. L. 93-189, § 2(3), Dec. 17, 1973, 87 Stat. 716, and amended Pub. L. 94-161, title III, § 309, Dec. 20, 1975, 89 Stat. 860.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1975—Pub. L. 94-161 substituted "This subchapter" for "Sections 2151a through 2151e of this title".

§ 2151*l*. Limiting use of funds for abortions

None of the funds made available to carry out subchapter I of this chapter shall be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions.

(Pub. L. 87-195, pt. I, § 114, as added Pub. L. 93-189, § 2(3), Dec. 17, 1973, 87 Stat. 716.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2151m. Prohibiting use of funds for certain countries

(a) Assistance furnished under other provisions

None of the funds made available to carry out this part may be used in any fiscal year for any country to which assistance is furnished in such fiscal year under part IV of subchapter II (security supporting assistance), subchapter IV (assistance for relief and reconstruction of South Vietnam, Cambodia, and Laos), subchapter V (assistance for Middle East peace) of this chapter, or section 36 of the Foreign Assistance Act of 1974.

(b) Waiver

The prohibition contained in subsection (a) of this section may not be waived under section 2364(a) of this title or under any other provision of law.

(c) Exemptions

This section shall not apply to funds made available under section 2151b of this title for purposes of subpart X of part II of this subchapter (programs relating to population growth), funds made available for humanitarian assistance through international organizations, and funds obligated for regional programs.

(Pub. L. 87-195, pt. I, § 115, as added Pub. L. 93-559, § 20, Dec. 30, 1974, 88 Stat. 1800.)

REFERENCES IN TEXT

Section 36 of the Foreign Assistance Act of 1974, referred to in subsec. (a), is set out as a note under section 2432 of this title.

§ 2151n. Human rights and development assistance

(a) Violations barring assistance; assistance for needy people

No assistance may be provided under subchapter I of this chapter to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.

(b) Information to Congressional Committees for realization of assistance for needy people; concurrent resolution terminating assistance

In determining whether this standard is being met with regard to funds allocated under subchapter I of this chapter, the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives may require the Administrator primarily responsible for administering subchapter I of this chapter to submit in writing information demonstrating that such assistance will directly benefit the needy people in such country, together with a detailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit the needy people in such country. If either committee or either House of Congress disagrees with the Administrator's justification it may initiate action to terminate assistance to any country by a concurrent resolution under section 2367 of this title.

(c) Cooperation with entities in investigation of alleged violations

In determining whether or not a government falls within the provisions of subsection (a) of this section, consideration shall be given to the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States.

(d) Report to Speaker of the House and Committee on Foreign Relations of the Senate regarding steps taken for implementation of section

The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, in the annual presentation materials on proposed economic development assistance programs, a full and complete report regarding the steps he has taken to carry out the provisions of this section.

(Pub. L. 87-195, pt. I, § 116, as added Pub. L. 94-161, title III, § 310, Dec. 20, 1975, 89 Stat. 860.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2384 of this title.

PART II—DEVELOPMENT ASSISTANCE

SUBPART I—DEVELOPMENT LOAN FUND

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 2151f, 2211, 2213, 2361, 2396 of this title.

§ 2161. General authority

(a) Establishment of Development Loan Fund

The President shall establish a fund to be known as the "Development Loan Fund" to be used by the President to make loans pursuant to the authority contained in this subpart.

(b) Loan authorization for development of economic resources and increase of productive capacities; considerations; prospects of repayment; limitation on countries to receive loans

The President is authorized to make loans payable as to principal and interest in United States dollars on such terms and conditions as he may determine, in order to promote the economic development of less developed friendly countries and areas, with emphasis upon assisting long-range plans and programs designed to develop economic resources and increase productive capacities. In so doing, the President shall take into account (1) whether financing could be obtained in whole or in part from other free-world sources on reasonable terms, including private sources within the United States, (2) the economic and technical soundness of the activity to be financed, including the capacity of the recipient country to repay the loan at a reasonable rate of interest, (3) whether the activity gives reasonable promise of contributing to the development of economic resources or to the increase of productive capacities in furtherance of the purposes of this subpart, (4) the consistency of the activity with, and its relationship to, other development activities being undertaken or planned, and its contribution to realizable long-range objectives, (5) the extent to which the recipient country is showing a responsiveness to the vital economic, political, and social concerns of its people, and demonstrating a clear determination to take effective self-help measures, (6) the possible effects upon the United States economy, with special reference to areas of substantial labor surplus, of the loan involved. Loans shall be made under this subpart only upon a finding of reasonable prospects of repayment, (7) the degree to which the recipient country is making progress toward respect for the rule of law, freedom of expression and of the press, and recognition of the importance of individual freedom, initiative, and private enterprise, (8) the degree to which the recipient country is taking steps to improve its climate for private investment, and (9) whether or not the activity to be financed will contribute to the achievement of self-sustaining growth. Funds made available under this subpart, except funds made available pursuant to section 2165 of this title, shall not be used to make loans in more than twenty countries in any fiscal year.

(c) Decrease of funds; waiver of requirements

The authority of section 2360 of this title may not be used to decrease the funds available under this subpart, nor may the authority of

section 2364(a) of this title be used to waive the requirements of this subpart.

(d) Rate of interest

Funds made available for this subpart shall not be loaned or reloaned at rates of interest excessive or unreasonable for the borrower and in no event shall such funds (except funds loaned under section 2165 of this title and funds which prior to October 7, 1968, were authorized or committed to be loaned upon terms which do not meet the minimum terms set forth herein) be loaned at a rate of interest of less than 3 per centum per annum commencing not later than ten years following the date on which the funds are initially made available under the loan, during which ten-year period the rate of interest shall not be lower than 2 per centum per annum, nor higher than the applicable legal rate of interest of the country in which the loan is made.

(e) Limitation on the allocation, reservation, earmarking, or committal of funds; exceptions

In carrying out this subpart, the President shall not allocate, reserve, earmark, commit, or otherwise set aside, funds aggregating in excess of $100,000 for use in any country under this subpart unless (1) an application for such funds has been received for use in such country together with sufficient information and assurances to indicate reasonably that the funds will be used in an economically and technically sound manner, or (2) the President determines with respect to each such allocation, reservation, earmarking, commitment, or set-aside that it is in the national interest to use such funds pursuant to multilateral plans.

(f) Promotion of economic development of recipient country; considerations

No assistance shall be furnished under this subpart for a project unless the President determines that such project will promote the economic development of the requesting country, taking into account the current human and material resource requirements of that country and the relationship between the ultimate objectives of the project and the overall economic development of the country, and that such project specifically provides for appropriate participation by private enterprise.

(Pub. L. 87-195, pt. I, § 201, Sept. 4, 1961, 75 Stat. 426; Pub. L. 87-565, pt. I, § 102, Aug. 1, 1962, 76 Stat. 256; Pub. L. 88-205, pt. I, § 102(a), Dec. 16, 1963, 77 Stat. 380; Pub. L. 88-633, pt. I, § 101, Oct. 7, 1964, 78 Stat. 1009; Pub. L. 89-583, pt. I, § 102(a), Sept. 19, 1966, 80 Stat. 796; Pub. L. 90-137, pt. I, § 102(a), (b), Nov. 14, 1967, 81 Stat. 447; Pub. L. 90-554, pt. I, § 101(a), Oct. 8, 1968, 82 Stat. 960.)

AMENDMENTS

1968—Subsec. (d). Pub. L. 90-554 substituted "1968" and "3 per centum" for "1967" and "2½ per centum", respectively.

1967—Subsec. (b). Pub. L. 90-137, § 102(a), increased limitation on number of countries to receive loans from ten to twenty and deleted provision for reports to Congressional committees when making loans to additional countries.

Subsec. (d). Pub. L. 90-137, § 102(b), substituted "1967" and "2 per centum" for "1964" and "1 per centum", respectively.

1966—Subsec. (b). Pub. L. 89-583 added clauses (7) to (9) and restricted the making of loans in any fiscal year to ten countries and to any additional country thirty or more days after submission of report to Congress stating the loan to be in the national interest and giving the reasons therefor.

1964—Subsec. (d). Pub. L. 88-633 substituted "prior to the date of enactment of the Foreign Assistance Act of 1964", codified as "prior to October 7, 1964", for "prior to the date of enactment of the Foreign Assistance Act of 1963" formerly codified as "prior to December 16, 1963", and increased the minimum rate of interest during the ten year period the funds are initially made available under the development loan from "three-fourths of 1 per centum" to "1 per centum" and the minimum rate during the period following the ten years from "2 per centum" to "2½ per centum".

1963—Subsec. (b). Pub. L. 88-205, § 102(a)(1), inserted "including private sources within the United States" in clause (1), and "including the capacity of the recipient country to repay the loan at a reasonable rate of interest" in clause (2).

Subsec. (d). Pub. L. 88-205, § 102(a)(2), provided for minimum rates of interest except for loans under section 2165, and loans authorized or committed prior to Dec. 16, 1963, not meeting such terms.

Subsec. (f). Pub. L. 88-205, § 102(a)(3), added subsec. (f).

1962—Subsec. (e). Pub. L. 87-565 added subsec. (e).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2162 2211, 2221, 2351, 2370 of this title; title 7 sections 1703, 1706.

§ 2162. Authorization of appropriations

(a) Amount; availability; encouragement of development through private enterprise

There is authorized to be appropriated to the President for the purposes of this subpart $685,000,000 for the fiscal year 1967, $450,000,000 for the fiscal year 1968, $350,000,000 for the fiscal year 1969, $350,000,000 for the fiscal year 1970, $350,000,000 for the fiscal year 1971, $250,000,000 for the fiscal year 1972, and $250,000,000 for the fiscal year 1973, which sums shall remain available until expended: *Provided,* That any unappropriated portion of the amount authorized to be appropriated for any such fiscal year may be appropriated in any subsequent fiscal year during the above period in addition to the amount otherwise authorized to be appropriated for such subsequent fiscal year: *Provided further,* That in order to effectuate the purposes and provisions of sections 2151, 2161, 2351, and 2352 of this title, not less than 50 per centum of the funds appropriated pursuant to this subsection for each of the fiscal years ending June 30, 1970, June 30, 1971, June 30, 1972, and June 30, 1973, shall be available for loans made to encourage economic development through private enterprise.

(b) Agreements committing funds

Whenever the President determines that it is important to the advancement of United States interests and necessary in order to further the purposes of this subpart, and in recognition of the need for reasonable advance assurances in the interest of orderly and effective execution of long-term plans and programs of development assistance, he is authorized to enter into agreements committing, under the terms and conditions of this subpart, funds authorized to

be appropriated under this subpart, subject only to the annual appropriation of such funds.

(c) Notification to Congress of agreements committing funds

Upon conclusion of each such agreement involving funds to be appropriated, the President shall notify the Foreign Relations and Appropriations Committees of the Senate and the Speaker of the House of Representatives of the provisions of such agreement, including the amounts of funds involved and undertakings of the parties thereto.

(d) Availability of unobligated dollar assets of corporate entity known as Development Loan Fund

Except as otherwise provided in subchapter I of this chapter, the United States dollar assets of the corporate entity known as the Development Loan Fund which remain unobligated and not committed for loans repayable in foreign currencies on the date prior to the abolition of such Fund shall be available for use for purposes of this subpart.

(Pub. L. 87-195, pt. I, § 202, Sept. 4, 1961, 75 Stat. 426; Pub. L. 88-205, pt. I, § 102(b), Dec. 16, 1963, 77 Stat. 380; Pub. L. 89-583, pt. I, § 102(b), Sept. 19, 1966, 80 Stat. 796; Pub. L. 90-137, pt. I, § 102(c), Nov. 14, 1967, 81 Stat. 447; Pub. L. 90-554, pt. I, § 101(b), Oct. 8, 1968, 82 Stat. 960; Pub. L. 91-175, pt. I, § 101(a), Dec. 30, 1969, 83 Stat. 805; Pub. L. 92-226, pt. I, § 101(a), Feb. 7, 1972, 86 Stat. 21.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1972—Subsec. (a). Pub. L. 92-226 authorized appropriation of $250,000,000 for fiscal years 1972 and 1973, and required minimum of 50 per centum of such appropriation authorization for fiscal years ending June 30, 1972 and 1973, to be made available for loans to encourage economic development through private enterprise.

1969—Subsec. (a). Pub. L. 91-175 struck out "and" after "fiscal year 1968", authorized an appropriation of $350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971, and substituted "each of the fiscal years ending June 30, 1970, and June 30, 1971" for "the fiscal year ending June 30, 1969".

1968—Subsec. (a). Pub. L. 90-554 substituted a comma for "and" after "year 1967", authorized an appropriation of $350,000,000 for fiscal year 1969, and substituted "year ending June 30, 1969" for "years ending June 30, 1967, through June 30, 1969", respectively.

1967—Subsec. (a). Pub. L. 90-137 decreased authorized appropriation for fiscal year 1968 from $750,000,000 to $450,000,000, struck out $750,000,000 authorization for fiscal year 1969, and substituted "June 30, 1968" for "June 30, 1969".

1966—Subsec. (a). Pub. L. 89-583 authorized an appropriation of $685,000,000 for fiscal year 1967 and of $750,000,000 for each of the fiscal years 1968 and 1969, struck out authorization of $1,200,000,000 for fiscal year 1962, $1,500,000,000 for fiscal year 1963, $925,000,000 for fiscal year 1964, and $1,500,000,000 for each of the next two succeeding fiscal years, and substituted "June 30, 1967, through June 30, 1969" for "June 30, 1965, and June 30, 1966".

1963—Subsec. (a). Pub. L. 88-205 reduced the authorized appropriations for fiscal year 1964 from $1,500,000,000 to $925,000,000, and provided that to effectuate sections 1251, 2161, 2351, and 2352 of this title, not less than 50 percent of the funds appropriated pursuant to this subsection for fiscal years ending in 1965 and 1966 shall be available for loans through private enterprise.

AUTHORIZATION OF APPROPRIATIONS FOR PERIOD BETWEEN JULY 1, 1976 AND SEPTEMBER 30, 1976

Pub. L. 94-329, title V, § 506(a), June 30, 1976, 90 Stat. 764, provided that: "Any authorization of appropriations in this Act [see Short Title of 1976 Amendment note; under section 2151 of this title], or in any amendment to any other law made by this Act, for the fiscal year 1976, shall be deemed to include an additional authorization of appropriations for the period beginning July 1, 1976, and ending September 30, 1976, in amounts which equal one-fourth of any amount authorized for the fiscal year 1976 and in accordance with the authorities applicable to operations and activities authorized under this Act or such other law, unless appropriations for the same purpose are specifically authorized in a law hereinafter enacted."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2211 of this title.

§ 2163. Repealed. Pub. L. 93-189, § 3(b), Dec. 17, 1973, 87 Stat. 717

Section, Pub. L. 87-195, pt. I, § 203, Sept. 4, 1961, 75 Stat. 427; Pub. L. 91-175, pt. I, § 101(b), Dec. 30, 1969, 83 Stat. 805; Pub. L. 92-226, pt. I, § 101(b), Feb. 7, 1972, 86 Stat. 21; Pub. L. 93-189, § 3(a), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93-559, § 6, Dec. 30, 1974, 87 Stat. 1796, authorized use of not more than 50 per centum of dollar receipts scheduled to be paid during each of the fiscal years 1974 and 1975 from loans made under this subchapter and predecessor foreign assistance legislation for making loans under part I of this subchapter for each such fiscal year, and disposition of dollar receipts paid on and after July 1, 1975.

EFFECTIVE DATE OF REPEAL

Section 3(b) of Pub. L. 93-189 provided in part that the repeal of this section shall be effective July 1, 1975.

§ 2164. Development Loan Committee; establishment; duties; appointment of officers

The President shall establish an interagency Development Loan Committee, consisting of such officers from such agencies of the United States Government as he may determine, which shall, under the direction of the President, establish standards and criteria for lending operations under this subpart in accordance with the foreign and financial policies of the United States. Except in the case of officers serving in positions to which they were appointed by the President by and with the advice and consent of the Senate, officers assigned to the Committee shall be so assigned by the President by and with the advice and consent of the Senate.

(Pub. L. 87-195, pt. I, § 204, Sept. 4, 1961, 75 Stat. 427.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2211 of this title.

§ 2165. Repealed. Pub. L. 92-226, pt. I, § 101(d), Feb. 7, 1972, 86 Stat. 21

Section, Pub. L. 87-195, pt. I, § 205, Sept. 4, 1961, 75 Stat. 427; Pub. L. 89-171, pt. I, § 102(a), Sept. 6, 1965, 79 Stat. 653; Pub. L. 89-583, pt. I, § 102(c), Sept. 19, 1966, 80 Stat. 797; Pub. L. 90-137, pt. I, § 102(d), Nov. 14, 1967, 81 Stat. 447, provided for use of international lending organizations, and is now covered by section 2169(d) of this title.

§ 2166. Regional development in Africa

The President is requested to seek and to take appropriate action, in cooperation and consultation with African and other interested nations and with international development organizations, to further and assist in the advancement of African regional development institutions, including the African Development Bank, with the view toward promoting African economic development.

(Pub. L. 87-195, pt. I, § 206, as added Pub. L. 89-171, pt. I, § 102(b), Sept. 6, 1965, 79 Stat. 653.)

AFRICAN ASSISTANCE POLICY; PRESIDENTIAL REPORT TO CONGRESS

Pub. L. 93-559, § 49, Dec. 30, 1974, 88 Stat. 1816, provided that: "The President is requested to review the regional allocation of economic development assistance and to increase Africa's share of the Agency for International Development loans and grants. A special effort should be made to provide more assistance to the sixteen of the world's twenty-five least developed countries that are in Africa and to the fourteen African nations that are judged to be most seriously affected by rising costs of food and fuel. The President is requested to make a report to Congress on action taken to provide the developing countries of Africa with an equitable share of United States economic assistance at the time that the Agency for International Development's operational year budget for fiscal year 1975 is submitted to Congress and again with the submission to Congress of the proposed Agency for International Development budget for fiscal year 1976."

PORTUGUESE AFRICAN TERRITORIES OF ANGOLA, MOZAMBIQUE, AND GUINEA-BISSAU: INDEPENDENCE POLICY; REPORTS TO CONGRESS

Pub. L. 93-559, § 50, Dec. 30, 1974, 88 Stat. 1816, provided that:

"(a)(1) Congress finds that the Government of Portugal's recognition of the right to independence of the African territories of Angola, Mozambique, and Guinea-Bissau marks a significant advance toward the goal of self-determination for all the peoples of Africa, without which peace on the continent is not secure.

"(2) Congress finds that progress toward independence for the Portuguese African territories will have a significant impact on the international organizations and the community of nations.

"(3) Congress commends the Portuguese Government's initiatives on these fronts as evidence of a reaffirmation of that Government's support for her obligations under both the United Nations Charter and the North Atlantic Treaty Organization.

"(b) Therefore, Congress calls upon the President and the Secretary of State to take the following actions designed to make clear United States support for a peaceful and orderly transition to independence in the Portuguese African territories:

"(1) An official statement should be issued of United States support for the independence of Angola, Mozambique and Guinea-Bissau, and of our desire to have good relations with the future governments of the countries.

"(2) It should be made clear to the Government of of Portugal that we view the efforts toward a peaceful and just settlement of the conflict in the African territories as consistent with Portugal's obligations under the North Atlantic Treaty Organization partnership.

"(3) The United States should encourage United Nations support for a peaceful transition to independence, negotiated settlement of all differences, and the protection of human rights of all citizens of the three territories.

"(4) The United States should open a dialog with potential leaders of Angola, Mozambique, and Guinea-Bissau and assure them of our commitment to their genuine political and economic independence.

"(5) The economic development needs of the three territories will be immense when independence is achieved. Therefore, it is urged that the United States Agency for International Development devote attention to assessing the economic situation in Angola, Mozambique, and Guinea-Bissau and be ready to cooperate with the future governments in providing the kind of assistance that will help make their independence viable. In addition, the United States Government should take the initiative among other donors, both bilateral and multilateral, in seeking significant contribution of development assistance for the three territories.

"(6) In light of the need of Angola, Mozambique, and Guinea-Bissau for skilled and educated manpower, a priority consideration should be given to expanding current United States programs of educational assistance to the territories as a timely and substantive contribution to their independence.

"(c) Reports should be submitted to the Congress on the implementation of the proposals set forth in subsection (b) and Congress should be kept fully informed on developments in United States policy toward the independence of the Portuguese African territories."

§ 2167. Purposes of development assistance

In furnishing development assistance under this part the President shall place appropriate emphasis on—

(a) Democratic institutions

Assuring maximum participation in the task of economic development by the people of less developed countries through the encouragement of strong economic, political, and social institutions needed for a progressive democratic society.

(b) Agriculture

Programs directed at enabling a country to meet the food needs of its people from its own resources, including the furnishing of technical knowledge and of resources necessary to increase agricultural productivity; assistance for improved storage, transportation, marketing, and credit facilities (including provision for foreign currency loans to small farmers), cooperatives, water conservation programs, and adaptive research programs; and technological advice: *Provided*, That relief from the immediate threat of famine, hunger, and malnutrition may be provided by the United States and other countries, and that assistance provided under the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.], should complement assistance furnished under this chapter;

(c) Education

Assisting recipient countries in their efforts to meet increasing needs for trained manpower in their development efforts by improving education planning and research, training teachers and administrators, developing and constructing educational institutions, and using modern educational technology;

(d) Public health

Developing programs to combat malnutrition, to control and eradicate disease, to clear slums, and to provide adequate and safe drinking water, adequate sewage disposal systems, overall health education, maternal and child care, and voluntary family planning services which shall, where feasible be included as part of programs of maternal and child care, and other public health assistance; and

(e) Other needs

Other important development activities including assistance for programs to assist industrial development; the growth of free labor unions, cooperatives, and voluntary agencies; improvement of transportation and communication systems; development of capabilities for sound economic planning and public administration; urban development; and modernization of existing laws to facilitate economic development.

(Pub. L. 87–195, pt. I, § 207, as added Pub. L. 90–137. pt. I, § 102(e), Nov. 14, 1967, 81 Stat. 448.)

REFERENCES IN TEXT

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsec. (b), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified generally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables volume.

This chapter, referred to in subsec. (b), was in the original, this Act, meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

§ 2168. Self-help criteria

In determining whether and to what extent the United States should furnish development assistance to a country under this part the President shall take into account—

(a) Agriculture

The extent to which the country is taking such measures as may be appropriate to its needs and capabilities to increase food production and improve the means for storage and distribution of food:

(b) Domestic and foreign private enterprise and investments

The extent to which the country is creating a favorable climate for private enterprise and investment, both domestic and foreign;

(c) Popular role

The extent to which the government of the country is increasing the role of the people in the development process;

(d) Key developmental area expenditures

The extent to which the country's governmental expenditures are allocated to key developmental areas, including agriculture, health, and education, and not diverted for unnecessary military purposes, or to intervention in the affairs of other free and independent nations;

(e) Project and program contributions

The extent to which the country is willing to make contributions of its own to the projects and programs for which the assistance is provided;

(f) Economic, social, and political reforms

The extent to which the country is making economic, social, and political reforms, such as tax collection improvements and changes in land tenure arrangements, that will enable it to achieve developmental objectives more efficiently and justly; and

(g) Economic, political, and social concerns of the people

The extent to which the country is otherwise showing a responsiveness to the vital economic, political, and social concerns of its people, and demonstrating a clear determination to take effective self-help measures.

(Pub. L. 87–195, pt. I, § 208, as added Pub. L. 90–137, pt. I, § 102(e), Nov. 14, 1967, 81 Stat. 448.)

§ 2169. Multilateral, regional, and bilateral programs

(a) Multilateral programs

The Congress recognizes that the planning and administration of development assistance by, or under the sponsorship of the United Nations, multilateral lending institutions, and other multilateral organizations may contribute to the efficiency and effectiveness of that assistance through participation of other donors in the development effort, improved coordination of policies and programs, pooling of knowledge, avoidance of duplication of facilities and manpower, and greater encouragement of self-help performance.

(b) Regional programs

It is further the sense of the Congress (1) that where problems or opportunities are common to two or more countries in a region in such fields as agriculture, education, transportation, communications, power, watershed development, disease control, and establishment of development banks, these countries often can more effectively resolve such problems and exploit such opportunities by joining together in regional organizations or working together on regional programs, (2) that assistance often can be utilized more efficiently in regional programs than in separate country programs, and (3) that to the maximum extent practicable consistent with the purposes of this chapter assistance under this chapter should be furnished so as to encourage less developed countries to cooperate with each other in regional development programs.

(c) Federal funds to multilateral lending institutions and multilateral organizations for loans to foreign countries; increase

It is the sense of the Congress that the President should increase, to the extent practicable, the funds provided by the United States to multilateral lending institutions and multilateral organizations in which the United States par-

ticipates for use by such institutions and organizations in making loans to foreign countries.

(d) Transfer of funds; use of international or multilateral lending organizations

In furtherance of the provisions of subsection (a) of this section, any funds appropriated under subchapter I of this chapter may be transferred by the President to the International Development Association, the International Bank for Reconstruction and Development, the International Finance Corporation, the Asian Development Bank or other multilateral lending institutions and multilateral organizations in which the United States participates for the purpose of providing funds to enable any such institution or organization to make loans to foreign countries.

(Pub. L. 87-195, pt. I, § 209, as added Pub. L. 90-137, pt. I, § 102(e), Nov. 14, 1967, 81 Stat. 449, and amended Pub. L. 92-226, pt. I, § 101(c), Feb. 7, 1972, 86 Stat. 21; Pub. L. 94-161, title III, § 311(1), Dec. 20, 1975, 89 Stat. 860.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1975—Subsec. (c). Pub. L. 94-161 substituted provision for increase of Federal funds to multilateral lending institutions and multilateral organizations for making loans to foreign countries for prior provision for reduction of loans under the bilateral lending programs to attain a total amount not to exceed $100,000,000 not later than June 30, 1975.

1972—Subsec. (a). Pub. L. 92-226, § 101(c)(1), provided for United Nations sponsorship of development assistance and deleted from "may, in some instances, contribute" the words ", in some instances,".

Subsecs. (c), (d). Pub. L. 92-226, § 101(c)(2), added subsecs. (c) and (d).

SUBPART II—TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

AMENDMENTS

1964—Pub. L. 88-633, pt. I, § 102(a), Oct. 7, 1964, 78 Stat. 1009, substituted "Technical Cooperation and Development Grants" for "Development Grants and Technical Cooperation" in the heading.

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 2151f, 2361, 2395 of this title.

§ 2171. General authority

(a) Promotion of economic development through programs of technical cooperation and development; considerations; limitation on countries to receive assistance; self-help projects

The President is authorized to furnish assistance on such terms and conditions as he may determine in order to promote the economic development of less developed friendly countries and areas, with emphasis upon assisting the development of human resources through such means as programs of technical cooperation and development. In so doing, the President shall take into account (1) whether the activity gives reasonable promise of contributing to the development of educational or other institutions and programs directed toward social progress, (2) the consistency of the activity with, and its relationship to, other development activities being undertaken or planned, and its contribution to realizable long-range development objectives, (3) the economic and technical soundness of the activity to be financed, (4) the extent to which the recipient country is showing a responsiveness to the vital economic, political, and social concerns of its people, and demonstrating a clear determination to take effective self-help measures and a willingness to pay a fair share of the cost of programs under this subpart, (5) the possible adverse effects upon the United States economy, with special reference to areas of substantial labor surplus, of the assistance involved, (6) the desirability of safeguarding the international balance of payments position of the United States, (7) the degree to which the recipient country is making progress toward respect for the rule of law, freedom of expression and of the press, and recognition of the importance of individual freedom, initiative, and private enterprise, and (8) whether or not the activity to be financed will contribute to the achievement of self-sustaining growth. If the President finds that assistance proposed to be furnished under this subpart would have a substantially adverse effect upon the United States economy, or a substantial segment thereof, the assistance shall not be furnished. The authority of this subpart shall not be used to furnish assistance directly to more than forty countries in any fiscal year, except that up to $600,000 may be used for self-help projects in additional countries during such fiscal year.

(b) Emphasis on programs of development of education and human resources in certain countries and areas

In countries and areas which are in the earlier stages of economic development, programs of development of education and human resources through such means as technical cooperation shall be emphasized, and the furnishing of capital facilities for purposes other than the development of education and human resources shall be given a lower priority until the requisite knowledge and skills have been developed.

(c) Limitation on funds for programs to promote peaceful uses of atomic energy outside the United States

Not to exceed $1,000,000 of the funds made available for the purposes of this section in any fiscal year may be used for programs designed

to promote the peaceful uses of atomic energy outside the United States and such programs may be carried out only in accordance with the requirements of this section.

(d) Limitation on funds for assistance to American research and educational institutions for self improvement to develop and carry out assistance programs abroad

Not to exceed $10,000,000 of funds made available in any fiscal year under section 2172, or under section 2212 of this title (other than loan funds), may be used for assistance, on such terms and conditions as the President may specify, to research and educational institutions in the United States for the purpose of strengthening their capacity to develop and carry our programs concerned with the economic and social development of less developed countries.

(e) Agricultural production priority; adaptive research programs; cooperative undertakings between universities and research institutions

In any developing countries or areas where food production is not increasing enough to meet the demands of an expanding population, or diets are seriously deficient, a high priority shall be given to efforts to increase agricultural production, particularly the establishment or expansion of adaptive research programs designed to increase acre-yields of the major food crops. Such research programs, to the greatest extent possible, should be based on cooperative undertakings between universities and research institutions in the developing countries and United States universities and research institutions.

(Pub. L. 87-195, pt. I, § 211, Sept. 4, 1961, 75 Stat. 427; Pub. L. 87-565, pt. I, § 103(a), Aug. 1, 1962, 76 Stat. 256; Pub. L. 89-583, pt. I, § 103(a), Sept. 19, 1966, 80 Stat. 797; Pub. L. 90-137, pt. I, § 103(a), Nov. 14, 1967, 81 Stat. 449; Pub. L. 90-554, pt. I, § 102(a), Oct. 8, 1968, 82 Stat. 960; Pub. L. 93-189, § 4(1), Dec. 17, 1973, 87 Stat. 717.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93-189 substituted "furnish assistance directly to more than forty countries" for "furnish assistance to more than forty countries".

1968—Subsec. (d). Pub. L. 90-554 inserted "in any fiscal year" after "funds made available".

1967—Subsec. (a). Pub. L. 90-137 substituted in last sentence provision for using $600,000 for self-help projects in additional countries (those exceeding forty) in any fiscal year for provision for assistance to such additional countries thirty or more days after submission of report to Congress stating the assistance to be in the national interest and giving the reasons therefor.

1966—Subsec. (a). Pub. L. 89-583, § 103(a)(1), (2), added clauses (7) and (8) and restricted the furnishing of assistance in any fiscal year to forty countries and to any additional country thirty or more days after submission of report to Congress stating the assistance to be in the national interest and giving the reasons therefor.

Subsecs. (d), (e). Pub. L. 89-583, § 103(a)(3), added subsecs. (d) and (e).

1962—Subsec. (c). Pub. L. 87-565 added subsec. (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2172, 2176, 2177, 2220d of this title.

§ 2172. Authorization of appropriations

To carry out the purposes of section 2171 of this title, there is authorized to be appropriated to the President $175,000,000 for the fiscal year 1972, and $175,000,000 for the fiscal year 1973, which amounts are authorized to remain available until expended.

(Pub. L. 87-195, pt. I, § 212, Sept. 4, 1961, 75 Stat. 428; Pub. L. 87-565, pt. I, § 103(b), Aug. 1, 1962, 76 Stat. 256; Pub. L. 88-205, pt. I, § 103(a), Dec. 16, 1963, 77 Stat. 381; Pub. L. 88-633, pt. I, § 102(b), Oct. 7, 1964, 78 Stat. 1009; Pub. L. 89-171, pt. I, § 103(a), Sept. 6, 1965, 79 Stat. 654; Pub. L. 89-583, pt. I, § 103(b), Sept. 19, 1966, 80 Stat. 797; Pub. L. 90-137, pt. I, § 103(b), Nov. 14, 1967, 81 Stat. 449; Pub. L. 90-554, pt. I, § 102(b), Oct. 8, 1968, 82 Stat. 960; Pub. L. 91-175, pt. I, § 102, Dec. 30, 1969, 83 Stat. 805; Pub. L. 92-226, pt. I, § 102(a), Feb. 7, 1972, 86 Stat. 22.)

AMENDMENTS

1972—Pub. L. 92-226 authorized appropriations of $175,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of $183,500,000 for fiscal years 1970 and 1971.

1969—Pub. L. 91-175 substituted "$183,500,000 for the fiscal year 1970, and $183,500,000 for the fiscal year 1971," for "$200,000,000 for the fiscal year 1969".

1968—Pub. L. 90-554 authorized appropriation of $200,000,000 for fiscal year 1969.

1967—Pub. L. 90-137 authorized appropriation of $210,000,000 for fiscal year 1968, the same sum as for fiscal year 1967.

1966—Pub. L. 89-583, substituted "1967" for "1966".

1965 Pub. L. 89-171 substituted "1966" and "$210,000,000" for "1965" and "$215,000,000", respectively.

1964—Pub. L. 88-633 substituted "1965" and "$215,000,000" for "1964" and "$220,000,000", respectively.

1963—Pub. L. 88-205, substituted "1964" and "$220,000,000" for "1963" and "$300,000,000", respectively.

1962—Pub. L. 87-565 substituted "1963" and "$300,000,000" for "1962" and "$380,000,000", respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2171, 2180, 2358, 2396 of this title.

§ 2173. Repealed. Pub. L. 87-565, pt. I, § 103(c), Aug. 1, 1962, 76 Stat. 256

Section, Pub. L. 87-195, pt. I, § 213, Sept. 4, 1961, 75 Stat. 428, related to the peaceful use of atomic energy outside the United States. See, now, section 2171(c) of this title.

§ 2174. American schools, libraries, and hospital centers abroad

(a) Assistance for schools and libraries

The President is authorized to furnish assistance, on such terms and conditions as he may specify, to schools and libraries outside the United States founded or sponsored by United States citizens and serving as study and demonstration centers for ideas and practices of the United States.

(b) Assistance for hospital centers

The President is authorized, notwithstanding the provisions of the Mutual Defense Assistance Control Act of 1951 [22 U.S.C. 1611 et seq.], to furnish assistance, on such terms and conditions as he may specify, to institutions re-

ferred to in subsection (a) of this section, and to hospital centers for medical education and research outside the United States, founded or sponsored by United States citizens.

(c) Authorization of appropriations

To carry out the purposes of this section, there are authorized to be appropriated to the President for each of the fiscal years 1974 and 1975 $19,000,000, and for each of the fiscal years 1976 and 1977, $25,000,000 which amounts are authorized to remain available until expended.

(d) Authorization of appropriations of funds available in foreign currencies in excess of normal requirements

There are authorized to be appropriated to the President to carry out the purposes of this section, in addition to funds otherwise available for such purposes, for each of the fiscal years 1974 and 1975 $6,500,000 and for each of the fiscal years 1976 and 1977, $7,000,000, in foreign currencies which the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

(e) Recommendations to assist schools, libraries, and hospital centers outside the United States

Not later than June 30, 1974, the Secretary of State shall submit to the Congress such recommendations (including recommendations concerning which agency of the United States Government should administer such assistance) as he considers desirable for assistance to schools, libraries, and hospital centers for medical education and research, outside the United States, founded or sponsored by United States citizens and serving as study and demonstration centers for ideas and practices of the United States.

(Pub. L. 87-195, pt. I, § 214, Sept. 4, 1961, 75 Stat. 428; Pub. L. 88-205, pt. I, § 103(b), Dec. 16, 1963, 77 Stat. 381; Pub. L. 88-633, pt. I, § 102(c), Oct. 7, 1964, 78 Stat. 1009; Pub. L. 89-171, pt. I, § 103(b), Sept. 6, 1965, 79 Stat. 654; Pub. L. 89-583, pt. I, § 103(c), Sept. 19, 1966, 80 Stat. 798; Pub. L. 90-137, pt. I, § 103(c), Nov. 14, 1967, 81 Stat. 450; Pub. L. 90-554, pt. I, § 102(c), Oct. 8, 1968, 82 Stat. 960; Pub. L. 91-175, pt. I, § 103, Dec. 30, 1969, 83 Stat. 805; Pub. L. 92-226, pt. I, § 102(b), Feb. 7, 1972, 86 Stat. 22; Pub. L. 93-189, § 4(2), Dec. 17, 1973, 87 Stat. 717; Pub. L. 94-161, title III, § 311(2), Dec. 20, 1975, 89 Stat. 861.)

REFERENCES IN TEXT

The Mutual Defense Assistance Control Act of 1951, referred to in subsec. (b), is act Oct. 26, 1951, ch. 575, 65 Stat. 645, as amended, which is classified generally to chapter 20A (§ 1611 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1611 of this title and Tables volume.

AMENDMENTS

1975—Subsec. (c). Pub. L. 94-161, § 311(2)(A), authorized appropriation of $25,000,000 for fiscal years 1976 and 1977.

Subsec. (d). Pub. L. 94-161, § 311(2)(B), authorized additional appropriation of $7,000,000 for fiscal years 1976 and 1977.

1973—Subsec. (c). Pub. L. 93-189 substituted provisions authorizing appropriations for the fiscal years 1974 and 1975, for provisions authorizing appropriations for the fiscal years 1972 and 1973 and directing that any amounts appropriated for the fiscal year 1970 be available for expenditure solely in accordance with the allocations set forth on pages 25 and 26 of House Report No. 91-611 and on page 23 of Senate Report No. 91-603.

Subsec. (d). Pub. L. 93-189 substituted provisions authorizing the appropriation in fiscal years 1974 and 1975 of $6,500,000 in foreign currencies which the Secretary of the Treasury determines to be in excess to the normal requirements of the United States, for provisions authorizing the appropriation for the purposes of subsec. (b) of this section, in addition to funds otherwise available for such purposes, for the fiscal year 1970, of $3,000,000 in foreign currencies which the Secretary of the Treasury determines to be in excess of the normal requirement of the United States and directing that foreign currencies thus appropriated be available for expenditure solely in accordance with the allocation set forth on page 23 of Senate Report No. 91-603.

Subsec. (e). Pub. L. 93-189 added subsec. (e).

1972—Subsec. (c). Pub. L. 92-226 authorized appropriations of $30,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of $25,900,000 for fiscal year 1970, and $12,900,000 for fiscal year 1971.

1969—Subsec. (c). Pub. L. 91-175, § 103(1), substituted authorization of $25,900,000 for the fiscal year 1970 and $12,900,000 for the fiscal year 1971, for sum of $14,600,000 for the fiscal year 1969, and added provision making amounts appropriated under this subsection for the fiscal year 1970 available for expenditure solely in accordance with the allocations set forth on pages 25 and 26 of House Report No. 91-611 and on page 23 of Senate Report No. 91-603.

Subsec. (d). Pub. L. 91-175, § 103(2), (3), substituted authorization of $3,000,000 for fiscal year 1970, for sum of $5,100,000 for fiscal year 1969, and added provision making foreign currencies appropriated under this subsection available for expenditure solely in accordance with the allocation set forth on page 23 of Senate Report No. 91-603.

1968—Subsec. (c). Pub. L. 90-554, § 102(c)(1), substituted authorization of $14,600,000 for fiscal year 1969, for sum of $14,000,000 for fiscal year 1968.

Subsec. (d). Pub. L. 90-554, § 102(c)(2), substituted authorization of $5,100,000 for fiscal year 1969, for sum of $2,986,000 for fiscal year 1968.

1967—Subsec. (c). Pub. L. 90-137, § 103(c)(1), substituted authorization of $14,000,000 for fiscal year 1968 for sum of $10,989,000 for fiscal year 1967.

Subsec. (d). Pub. L. 90-137, § 103(c)(2), substituted authorization of $2,986,000 for fiscal year 1968 for sum of $1,000,000 for fiscal year 1967.

1966—Subsec. (b). Pub. L. 89-583, § 103(c)(1), substituted "to institutions referred to in subsection (a) of this section, and to hospital centers for medical education and research outside the United States, founded or sponsored by United States citizens" for "to hospitals outside the United States founded or sponsored by United States citizens and serving as centers for medical education and research".

Subsec. (c). Pub. L. 89-583, § 103(c)(2), substituted authorization of $10,989,000 for fiscal year 1967 for sum of $7,000,000 for fiscal year 1966.

Subsec. (d). Pub. L. 89-583, § 103(c)(3), added subsec. (d).

1965—Subsec. (b). Pub. L. 89-171, § 103(b)(1), substituted "medical education and research" for "medical treatment, education, and research".

Subsec. (c). Pub. L. 89-171, § 103(b)(2), substituted "1966, $7,000,000" for "1965, $18,000,000".

1964—Subsec. (c). Pub. L. 88-633 substituted "1965, $18,000,000" for "1964, $19,000,000" and deleted the sentence providing that "Of the sums authorized to be appropriated under this subsection, not to exceed $2,200,000 shall be available for direct dollar costs in carrying out subsection (b) of this section and $4,700,000 shall be available solely for the purchase of foreign currencies accruing to the United States Government under any Act."

1963—Subsec. (a). Pub. L. 88-205, § 103(b)(1), substituted "furnish" for "use, in addition to other funds available for such purposes, funds made available for the purpose of section 2171 of this title for".

Subsec. (b). Pub. L. 88-205, § 103(b)(2), substituted "to furnish" for "foreign currencies accruing to the United States Government under any Act, for purposes of subsection (a) of this section and for", and deleted "to use" preceding "notwithstanding".

Subsec. (c). Pub. L. 88-205, § 103(b)(3), added subsec. (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2370 of this title; title 40 section 512.

§ 2175. Loans to small farmers

It is the policy of the United States and the purpose of this section to strengthen the economies of less developed friendly countries, and in friendly countries where the economy is essentially rural or based on small villages, to provide assistance designed to improve agricultural methods and techniques, to stimulate and encourage the development of local programs of self-help and mutual cooperation, particularly through loans of foreign currencies for associations of operators of small farms, formed for the purpose of joint action designed to increase or diversify agricultural productivity. The maximum unpaid balance of loans made to any association under this section may not exceed $25,000 at any one time; and the aggregate unpaid balance of all loans made under this section may not exceed $10,000,000 at any one time.

(Pub. L. 87-195, pt. I, § 215, Sept. 4, 1961, 75 Stat. 428.)

POLICY WITH RESPECT TO COUNTRIES MOST SERIOUSLY AFFECTED BY FOOD SHORTAGES; PRESIDENTIAL REPORTS TO CONGRESS

Pub. L. 93-559, § 55(a), Dec. 30, 1974, 88 Stat. 1819, provided that:

"The United Nations has designated thirty-two countries as 'Most Seriously Affected' by the current economic crisis. These are countries without the internal food production capability or the foreign exchange availability to secure food to meet their immediate food requirements. The Congress calls upon the President and Secretary of State to take the following actions designed to mobilize appropriate resources to meet the food emergency:

"(1) Review and make appropriate adjustments in the level of programming of our food and fertilizer assistance programs with the aim of increasing to the maximum extent feasible the volume of food and fertilizer available to those countries most seriously affected by current food shortages.

"(2) Call upon all traditional and potential new donors of food, fertilizer, or the means of financing these commodities to immediately increase their participation in efforts to address the emergency food needs of the developing world.

"(3) Make available to these most seriously affected countries the maximum feasible volume of food commodities, with appropriate regard to the current domestic price and supply situations.

"(4) Maintain regular and full consultation with the appropriate committees of the Congress and report to the Congress and the Nation on steps which are being taken to help meet this food emergency. In accordance with this provision, the President shall report to the Congress on a global assessment of food needs for fiscal year 1975, specifying expected food grain deficits and currently planned programming of food assistance, and steps which are being taken to encourage other countries to increase their participation in food assistance or the financing of food assistance. Such report should reach the Congress promptly and should be supplemented quarterly for the remainder of fiscal year 1975.

"(5) The Congress directs that during the fiscal year ending June 30, 1975, not more than 30 percent of concessional food aid should be allocated to countries other than those which are most seriously affected by current food shortages, unless the President demonstrates to the appropriate Committees of the Congress that the use of such food assistance is solely for humanitarian food purposes.

"(6) The Congress calls upon the President to proceed with the implementation of resolutions and recommendations adopted by the World Food Conference. The Congress believes that it is incumbent upon the United States to take a leading role in assisting in the development of a viable and coherent world food policy which would begin the task of alleviating widespread hunger and suffering prevalent in famine-stricken nations. The President shall report to the Congress within 120 days of enactment of this Act [Dec. 30, 1974] on the implementation of the resolutions and the extent to which the United States is participating in the implementation of resolutions adopted at the World Food Conference."

§ 2175a. Ceiling on fertilizers to South Vietnam

(a) None of the moneys made available under this chapter or the Foreign Assistance Act of 1974 may be used, beginning on December 30, 1974, during fiscal year 1975 to procure agricultural fertilizers for, or to provide such fertilizers to, South Vietnam.

(b) During each fiscal year after fiscal year 1975, of the total amount obligated or expended for such fiscal year under this chapter to procure agricultural fertilizers for, or to provide such fertilizers to, foreign countries, not more than one-third of such amount may be obligated or expended to procure such fertilizers for, or provide such fertilizers to, South Vietnam.

(Pub. L. 93-559, § 3, Dec. 30, 1974, 88 Stat. 1795.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Foreign Assistance Act of 1974, referred to in subsec. (a), is Pub. L. 93-559, Dec. 30, 1974, 88 Stat. 1795. For complete classification of this Act to the Code, see Short Title of 1974 Amendment note set out under section 2151 of this title and Tables volume.

CODIFICATION

Section was not enacted as part of Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961, which comprises this chapter.

§ 2176. Payment of transportation charges on shipments by American Red Cross and United States voluntary nonprofit relief agencies; arrangements for free entry and for defraying transportation costs

(a) In order to further the efficient use of United States voluntary contributions for relief and rehabilitation of friendly peoples, the President is authorized to use funds made available for the purposes of section 2171 of this title to pay transportation charges from United States ports or, in the case of excess or surplus property supplied by the United States, from

foreign ports to ports of entry abroad, or, in the case of landlocked countries, to points of entry in such countries, on shipments by the American Red Cross and United States voluntary nonprofit relief agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid.

(b) Where practicable the President shall make arrangements with the receiving country for free entry of such shipments and for the making available by that country of local currencies for the purpose of defraying the transportation cost of such shipments from the port of entry of the receiving country to the designated shipping point of the consignee.

(Pub. L. 87-195, pt. I, § 216, Sept. 4, 1961, 75 Stat. 429; Pub. L. 88-633, pt. I, § 102(d), Oct. 7, 1964, 78 Stat. 1009.)

AMENDMENTS

1964—Subsec. (a). Pub. L. 88-633 inserted "or, in the case of excess or surplus property supplied by the United States, from foreign ports" following the initial word "ports".

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2177. Used equipment programs; report to Congress

The President is authorized to use funds made available for the purposes of section 2171 of this title to conduct a study and investigation to determine the feasibility of establishing programs for the furnishing to less developed friendly countries and areas of used tools, machinery, and other equipment to be donated by private enterprises, or acquired through normal channels of trade, and the extent to which such programs are likely to be utilized by and contribute to the economic development of the receiving country. The President shall submit to the Congress at the earliest practicable date a report of the results of such study and investigation, together with such recommendations for legislation as he deems advisable.

(Pub. L. 87-195, pt. I, § 217, as added Pub. L. 88-633, pt. I, § 102(e), Oct. 7, 1964, 78 Stat. 1009.)

§ 2178. Fish and other protein concentrates

(a) Studies, marketing techniques, consumer acceptance, and nutrition; consultations with technical groups or agencies; participation by United States private enterprise

The President is authorized to conduct a program designed to demonstrate the potential and to encourage the use of fish and other protein concentrates as a practicable means of reducing nutritional deficiencies in less developed countries and areas. This program shall include—

(1) studies and activities relating to food technology;

(2) development of suitable marketing techniques;

(3) development of consumer acceptance programs; and

(4) feeding programs designed to demonstrate the nutritional value of fish and other protein concentrates as a diet supplement.

In carrying out his functions under this section, the President shall consult with the National Council on Marine Resources and Engineering Development, appropriate Government agencies and other such technical groups or agencies as may be helpful with such activities. In accordance with section 2351(b) of this title, the President shall encourage full participation in such program by United States private enterprise.

(b) Use of available funds

The President is authorized to use funds made available under subchapter I of this chapter for the purposes of this section, and is urged to use at least $2,500,000 of such funds for such purposes.

(Pub. L. 87-195, pt. I, § 218, as added Pub. L. 90-137, pt. I, § 103(d), Nov. 14, 1967, 81 Stat. 450.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

NATIONAL COUNCIL ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT: TERMINATION DATE

The National Council on Marine Resources and Engineering Development was established in the Executive Office of the President by Pub. L. 89-454, title I, § 3, June 17, 1966, 80 Stat. 204, as amended, and expired on June 30, 1971, as provided in section 3(f) of Pub. L. 89-454, as amended.

§ 2179. Prototype desalting plant

(a) Assistance in development

In furtherance of the purposes of subchapter I of this chapter and for the purpose of improving existing, and developing and advancing new, technology and experience in the design, construction, and operation of large-scale desalting plants of advanced concepts which will contribute materially to low-cost desalination in all countries, including the United States, the President, if he determines it to be feasible, is authorized to participate in the development of a large-scale water treatment and desalting prototype plant and necessary appurtenances to be constructed in Israel as an integral part of a dual-purpose power generating and desalting project. Such participation shall include financial, technical, and such other assistance as the President deems appropriate to provide for the study, design, construction, and, for a limited demonstration period of not to exceed five years, operation and maintenance of the water treatment and desalting facilities of the dual-purpose project.

(b) Terms and conditions

Any agreement entered into under subsection (a) of this section shall include such terms and conditions as the President deems appropriate to insure, among other things, that all information, products, uses, processes, patents, and other developments obtained or utilized in the development of this prototype plant will be available without further cost to the United States for the use and benefit of the United States throughout the world, and to insure that the United States, its officers, and employees have a permanent right to review data and have access to such plant for the purpose of observing its operations and improving science and technology in the field of desalination.

(c) Contracts

In carrying out the provisions of this section, the President may enter into contracts with public or private agencies and with any person without regard to section 529 of title 31 and section 5 of title 41.

(d) Patents

Nothing in this section shall be construed as intending to deprive the owner of any background patent or any right which such owner may have under that patent.

(e) Federal agencies

In carrying out the provisions of this section, the President may utilize the personnel, services, and facilities of any Federal agency.

(f) Authorization of appropriations

The United States costs, other than its administrative costs, for the study, design, construction, and operation of a prototype plant under this section shall not exceed either 50 per centum of the total capital costs of the facilities associated with the production of water, and 50 per centum of the operation and maintenance costs for the demonstration period, or $20,000,000, whichever is less. There are authorized to be appropriated, subject to the limitations of this subsection, such sums as may be necessary to carry out the provisions of this section, including administrative costs thereof. Such sums are authorized to remain available until expended.

(g) Restrictions on appropriations

No funds appropriated for the Office of Water Research and Technology pursuant to the appropriation authorized by the Act of July 11, 1969 (83 Stat. 45, Public Law 91-43), or prior authorization Acts, shall be used to carry out the purposes of this section.

(Pub. L. 87-195, pt. I, § 219, as added Pub. L. 91-175, pt. I, § 104, Dec. 30, 1969, 83 Stat. 806.)

REFERENCES IN TEXT

The Act of July 11, 1969 (83 Stat. 45, Pub. L. 91-43), referred to in subsec. (g), is Pub. L. 91-43, July 11, 1969, 83 Stat. 45, and was not classified to the Code.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

CHANGE OF NAME

Office of Water Research and Technology formed through merger of Office of Saline Water and Office of Water Resources Research by order of Secretary of Interior, Ord. No. 2966, July 26, 1974.

§ 2180. Programs for peaceful communication

(a) Authorization

The President is authorized to use funds made available under section 2172 of this title to carry out programs of peaceful communications which make use of television and related technologies, including satellite transmissions, for educational, health, agricultural, and community development purposes in the less developed countries.

(b) Assistance with research and training

In carrying out programs in the fields of education, health, agriculture, and community development, the agency primarily responsible for subchapter I of this chapter shall, to the extent possible, assist the developing countries with research, training, planning, assistance, and project support in the use of television and related technologies, including satellite transmissions. The agency shall make maximum use of existing satellite capabilities, including the facilities of the International Telecommunications Satellite Consortium.

(c) Coordination among government agencies and nongovernmental institutions

In implementing activities under this section, the agency primarily responsible for subchapter I of this chapter shall coordinate closely with Federal, State, and local agencies and with nongovernmental educational, health, and agricultural institutions and associations within the United States.

(Pub. L. 87-195, pt. I, § 220, as added Pub. L. 91-175, pt. I, § 104, Dec. 30, 1969, 83 Stat. 807.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2180a. Suez Canal; authorization of President; authorization of appropriations: Egyptian pounds owned by United States

The President is authorized to furnish financial assistance, on such terms and conditions as he may determine, for assisting in the reopening of the Suez Canal after agreement has been reached by the parties involved, which agreement provides for the use of the Canal by the ships of all nations, including Israel, on a nondiscriminatory basis. For the purpose of carrying out this section, there are authorized to be appropriated not to exceed $10,000,000 in Egyptian pounds now owned by the United States

and determined by the President to be excess to the normal requirements of departments and agencies of the United States. Amounts appropriated under this section are authorized to remain available until expended.

(Pub. L. 87-195, pt. I, § 220A, as added Pub. L. 92-226, pt. I, § 102(c), Feb. 7, 1972, 86 Stat. 22.)

SUBPART III—HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

AMENDMENTS

1974—Pub. L. 93-559, § 8(a)(1), Dec. 30, 1974, 88 Stat. 1796, substituted subpart III heading "Housing and Other Credit Guaranty Programs" for "Housing Guaranties".

§ 2181. Worldwide housing guaranties

In order to facilitate and increase the participation of private enterprise in furthering the development of the economic resources and productive capacities of less developed friendly countries and areas, and promote the development of thrift and credit institutions engaged in programs of mobilizing local savings for financing the construction of self-liquidating housing projects and related community facilities, the President is authorized to issue guaranties, on such terms and conditions as he shall determine, to eligible investors as defined in section 2198(c) of this title, assuring against loss of loan investments for self-liquidating housing projects. The total face amount of guaranties issued hereunder, outstanding at any one time, shall not exceed $430,000,000. Such guaranties shall be issued under the conditions set forth in section 2182(b) and section 2183 of this title.

(Pub. L. 87-195, pt. I, § 221, as added Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807, and amended Pub. L. 92-226, pt. I, § 103(a), Feb. 7, 1972, 86 Stat. 22; Pub. L. 93-189, § 5(1), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93-559, § 7(1), Dec. 30, 1974, 88 Stat. 1796; Pub. L. 94-161, title III, § 311(3), Dec. 20, 1975, 89 Stat. 861.)

PRIOR PROVISIONS

A prior section 221 of Pub. L. 87-195, pt. I, Sept. 4, 1961, 75 Stat. 429, as amended by Pub. L. 87-565, pt. I, § 104(a), Aug. 1, 1962, 76 Stat. 256; Pub. L. 88-205, pt. I, § 104(a), Dec. 16, 1963, 77 Stat. 381; Pub. L. 88-633, pt. I, § 103(a), Oct. 7, 1964, 78 Stat. 1009; Pub. L. 89-171, pt. I, § 104(a), (b), Sept. 6, 1965, 79 Stat. 654; Pub. L. 89-583, pt. I, § 104(a), Sept. 19, 1966, 80 Stat. 798; Pub. L. 90-137, pt. I, § 104(a), Nov. 14, 1967, 81 Stat. 450; Pub. L. 90-554, pt. I, § 103, Oct. 8, 1968, 82 Stat. 960, dealing with the general authority for foreign investment guaranties by the President was omitted in the general reorganization of this subpart by Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807.

AMENDMENTS

1975—Pub. L. 94-161 substituted "$430,000,000" for "$355,000,000".

1974—Pub. L. 93-559 substituted "$355,000,000" for "$305,000,000".

1973—Pub. L. 93-189 substituted "$305,000,000" for "$205,000,000".

1972—Pub. L. 92-226 substituted "$205,000,000" for "$130,000,000".

USE OF FUNDS FROM SALE OF NOTES FOR DISCHARGE OF LIABILITIES UNDER GUARANTIES; TRANSFER OF FUNDS AND CANCELLATION OF NOTES AND INTEREST

Pub. L. 90-249, title I, § 120, Jan. 2, 1968, 81 Stat. 941, provided that: "Hereafter, none of the funds obtained or authorized to be obtained from the sale of notes under authority of paragraph 111(c)(2) of the Economic Cooperation Act of 1948 [section 1509(c)(2) of this title] or paragraph 413(b)(4)(F) of the Mutual Security Act of 1954 [section 1933(b)(4)(F) of this title] may be used for the purposes of discharging liabilities under any guaranties (exclusive of informational media guaranties) issued under sections 221(b) and 224 of the Foreign Assistance Act of 1961 [subsec. (b) of this section and section 2184 of this title], sections 202(b) and 413(b)(4) of the Mutual Security Act of 1954 [sections 1872(b) and 1933(b)(4) of this title] and section 111(b)(3) of the Economic Cooperation Act of 1948 [section 1509(b)(3) of this title]. Any portion of the funds in the reserve established pursuant to section 222(e) of the Foreign Assistance Act of 1961 [section 2182(e) of this title] which are attributable to the funds realized from the sale of notes specified in the preceding sentence shall be transferred to the general fund of the Treasury. The Secretary of the Treasury shall cancel all such notes and sums owing and unpaid thereon, including interest to date of cancellation."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2183 of this title; title 12 sections 1432, 1464.

§ 2182. Housing projects in Latin American countries

(a) Presidential assistance

The President shall assist in the development in the American Republics of self-liquidating housing projects, the development of institutions engaged in Alliance for Progress programs, including cooperatives, free labor unions, savings and loan type institutions, and other private enterprise programs in Latin America engaged directly or indirectly in the financing of home mortgages, the construction of homes for lower income persons and families, the increased mobilization of savings and improvement of housing conditions in Latin America.

(b) Investment guaranties

To carry out the purposes of subsection (a) of this section, the President is authorized to issue guaranties, on such terms and conditions as he shall determine, to eligible investors, as defined in section 2198(c) of this title, assuring against loss of loan investment made by such investors in—

(1) private housing projects in Latin America of types similar to those insured by the Department of Housing and Urban Development and suitable for conditions in Latin America;

(2) credit institutions in Latin America engaged directly or indirectly in the financing of home mortgages, such as savings and loan institutions and other qualified investment enterprises;

(3) housing projects in Latin America for lower income families and persons, which projects shall be constructed in accordance with maximum unit costs established by the President for families and persons whose incomes meet the limitations prescribed by the President;

(4) housing projects in Latin America which will promote the development of institutions

important to the success of the Alliance for Progress, such as free labor unions, cooperatives, and other private enterprise programs; or

(5) housing projects in Latin America, 25 per centum or more of the aggregate of the mortgage financing for which is made available from sources within Latin America and is not derived from sources outside Latin America, which projects shall, to the maximum extent practicable, have a unit cost of not more than $8,500.

(c) Limitations on investment guaranties

The total face amount of guaranties issued hereunder or heretofore under Latin American housing guaranty authority repealed by the Foreign Assistance Act of 1969, outstanding at any one time, shall not exceed $600,000,000: *Provided*, That $325,000,000 of such guaranties may be used only for the purposes of subsection (b)(1) of this section.

(Pub. L. 87-195, pt. I, § 222, as added Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807, and amended Pub. L. 94-161, title III, § 311(4), Dec. 20, 1975, 89 Stat. 861.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1969, referred to in subsec. (c), is Pub. L. 91-175, Dec. 30, 1969, 83 Stat. 805. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title. The guaranty authorities repealed by the 1969 Act were the guaranty authorities contained in sections 2181 to 2184 prior to the general reorganization of this subpart by the 1969 Act.

PRIOR PROVISIONS

A prior section 222 of Pub. L. 87-195, pt. I, Sept. 4, 1961, 75 Stat. 430, as amended by Pub. L. 87-565, pt. I, § 104(b), Aug. 1, 1962, 76 Stat. 257; Pub. L. 88-205, pt. I, § 104(b)-(f), Dec. 16, 1963, 77 Stat. 381, 382; Pub. L. 89-171, pt. I, § 104(c), Sept. 6, 1965, 79 Stat. 654; Pub. L. 89-583, pt. I, § 104(b), Sept. 19, 1966, 80 Stat. 798; Pub. L. 90-137, pt. I, § 104(b), Nov. 14, 1967, 81 Stat. 451, dealing with general provisions concerning foreign investment guaranties, was omitted in the general reorganization of this subpart by Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807.

AMENDMENTS

1975—Subsec. (c). Pub. L. 94-161 substituted "$600,000,000" for "$550,000,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2181, 2183 of this title.

§ 2182a. Agricultural and productive credit and self-help community development programs

(a) Financing pilot programs; scope

It is the sense of the Congress that in order to stimulate the participation of the private sector in the economic development of less-developed countries in Latin America, the authority conferred by this section should be used to establish pilot programs in not more than five Latin American countries to encourage private banks, credit institutions, similar private lending organizations, cooperatives, and private nonprofit development organizations to make loans on reasonable terms to organized groups and individuals residing in a community for the purpose of enabling such groups and individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. Agricultural credit and assistance for self-help community development projects should include, but not be limited to, material and such projects as wells, pumps, farm machinery, improved seed, fertilizer, pesticides, vocational training, food industry development, nutrition projects, improved breeding stock for farm animals, sanitation facilities, and looms and other handicraft aids.

(b) Guaranties; percentage limitation

To carry out the purposes of subsection (a) of this section, the agency primarily responsible for administering subchapter I of this chapter is authorized to issue guaranties, on such terms and conditions as it shall determine, to private lending institutions, cooperatives, and private nonprofit development organizations in not more than five Latin American countries assuring against loss of not to exceed 50 per centum of the portfolio of such loans made by any lender to organized groups or individuals residing in a community to enable such groups or individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. In no event shall the liability of the United States exceed 75 per centum of any one loan.

(c) Total and individual amount of guaranties

The total face amount of guaranties issued under this section outstanding at any one time shall not exceed $15,000,000. Not more than 10 per centum of such sum shall be provided for any one institution, cooperative, or organization.

(d) Inter-American Foundation consultations

The Inter-American Foundation shall be consulted in developing criteria for making loans eligible for guaranty coverage in Latin America under this section.

(e) Guaranty reserve

Not to exceed $3,000,000 of the guaranty reserve established under section 2183(b) of this title shall be available to make such payments as may be necessary to discharge liabilities under guaranties issued under this section or any guaranties previously issued under section 2200 of this title.

(f) Administrative and operating expenses; funds

Funds held by the Overseas Private Investment Corporation pursuant to section 2196 of this title may be available for meeting necessary administrative and operating expenses for carrying out the provisions of this section through June 30, 1976.

(g) Transfer of Overseas Private Investment Corporation's obligations and assets

The Overseas Private Investment Corporation shall, upon enactment of this subsection, transfer to the agency primarily responsible for administering subchapter I of this chapter all obligations, assets, and related rights and responsibilities arising out of, or related to the predecessor program provided for in section 2200 of this title.

(h) Termination of authority

The authority of this section shall continue until December 31, 1977.

(i) Excess foreign currencies; use

Notwithstanding the limitation in subsection (c) of this section, foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States may be utilized to carry out the purposes of this section, including the discharge of liabilities under this subsection. The authority conferred by this subsection shall be in addition to authority conferred by any other provision of law to implement guaranty programs utilizing excess local currency.

(j) Report to Congress

The President shall, on or before January 15, 1976, make a detailed report to the Congress on the results of the program established under this section, together with such recommendations as he may deem appropriate.

(Pub. L. 87-195, pt. I, § 222A, as added Pub. L. 93-559, § 8(a)(2), Dec. 30, 1974, 88 Stat. 1796.)

REFERENCES IN TEXT

Section 2200 of this title, referred to in subsecs. (e) and (g), was repealed by section 8(b) of Pub. L. 93-559 and is now covered by this section.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2183 of this title.

§ 2183. General provisions

(a) Fees; determination by President; reduction

A fee shall be charged for each guaranty issued under section 2181, 2182, or 2182a of this title, in an amount to be determined by the President. In the event the fee to be charged for such type of guaranty is reduced, fees to be paid under existing contracts for the same type of guaranty may be similarly reduced.

(b) Accumulated and existing fees; expenditure of fees

The amount of $50,000,000 of fees accumulated under prior investment guaranty provisions repealed by the Foreign Assistance Act of 1969, together with all fees collected in connection with guaranties issued hereunder, shall be available for meeting necessary administrative and operating expenses of carrying out the provisions of section 2181 and section 2182 of this title and of prior housing guaranty provisions repealed by the Foreign Assistance Act of 1969 (including, but not limited to expenses pertaining to personnel, supplies, and printing), subject to such limitations as may be imposed in annual appropriation Acts; for meeting management and custodial costs incurred with respect to currencies or other assets acquired under guaranties made pursuant to section 2181 or 2182 of this title or heretofore pursuant to prior Latin American and other housing guaranty authorities repealed by the Foreign Assistance Act of 1969; and to pay the cost of investigating and adjusting (including costs of arbitration) claims under such guaranties; and shall be available for expenditure in discharge of liabilities under such guaranties until such time as all such property has been disposed of and all such liabilities have been discharged or have expired, or until all such fees have been expended in accordance with the provisions of this subsection.

(c) Priorities of funds for guaranty payments

Any payments made to discharge liabilities under guaranties issued under section 2181 or 2182 of this title or heretofore under prior Latin American or other housing guaranty authorities repealed by the Foreign Assistance Act of 1969, shall be paid first out of fees referred to in subsection (b) of this section (excluding amounts required for purposes other than the discharge of liabilities under guaranties) as long as such fees are available, and thereafter shall be paid out of funds, if any, realized from the sale of currencies or other assets acquired in connection with any payment made to discharge liabilities under such guaranties as long as funds are available, and finally out of funds hereafter made available pursuant to subsection (e) of this section.

(d) Guaranties as obligations backed by full faith and credit of United States

All guaranties issued under section 2181, 2182, 2182a, or previously under section 2200 of this title or heretofore under prior Latin American or other housing guaranty authority repealed by the Foreign Assistance Act of 1969 shall constitute obligations, in accordance with the terms of such guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

(e) Authorization of appropriations

There is hereby authorized to be appropriated to the President such amounts, to remain available until expended, as may be necessary from time to time to carry out the purposes of this subpart.

(f) Agency determination of maximum rate of interest

In the case of any loan investment guaranteed under section 2181 or 2182 of this title, the agency primarily responsible for administering subchapter I of this chapter shall prescribe the maximum rate of interest allowable to the eligible investor, which maximum rate shall not be less than one-half of 1 per centum above the then current rate of interest applicable to housing mortgages insured by the Department of Housing and Urban Development. In no event shall the agency prescribe a minimum allowable rate of interest which exceeds by more than 1 per centum the then current rate of interest applicable to housing mortgages insured by such Department. The maximum allowable rate of interest under this subsection shall be pre-

scribed by the agency as of the date the project covered by the investment is officially authorized and, prior to the execution of the contract, the agency may amend such rate at its discretion, consistent with the provisions of this subsection.

(g) Guaranties under prior acts

Housing guaranties committed, authorized, or outstanding under prior housing guaranty authorities repealed by the Foreign Assistance Act of 1969 shall continue subject to provisions of law originally applicable thereto and fees collected hereafter with respect to such guaranties shall be available for the purposes specified in subsection (b) of this section.

(h) Fraud or misrepresentation

No payment may be made under any guaranty issued pursuant to this subpart for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

(i) Expiration of authority

The authority of section 2181 and section 2182 of this title shall continue until September 30, 1978.

(j) Guaranties for housing projects; percentage requirement for families with income below median income; face value and average face value fiscal year limitations; face amount for Israel and Portugal

Guaranties shall be issued under sections 2181 and 2182 of this title only for housing projects which (1) except for regional projects, are in countries which are receiving, or which in the previous two fiscal years have received, development assistance under part I of this subchapter, (2) are coordinated with and complementary to such assistance, and (3) are specifically designed to demonstrate the feasibility and suitability of particular kinds of housing or of financial or other institutional arrangements. Of the aggregate face value of housing guaranties hereafter issued under this subpart, not less than 90 per centum shall be issued for housing suitable for families with income below the median income (below the median urban income for housing in urban areas) in the country in which the housing is located. The face value of guaranties issued with respect to housing in any country shall not exceed $25,000,000 in any fiscal year, and the average face value of guaranties issued in any fiscal year shall not exceed $15,000,000. Notwithstanding the provisions of the first sentence of this subsection, the President is authorized to issue housing guaranties until September 30, 1977, as follows: In Israel, not exceeding a face amount of $50,000,000, in Portugal, not exceeding a face amount of $20,000,000, and in Lebanon, not exceeding a face amount of $15,000,000.

(Pub. L. 87-195, pt. I, § 223, as added Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 808, and amended Pub. L. 92-226, pt. I, § 103(b) Feb. 7, 1972, 86 Stat. 22; Pub. L. 93-189, § 5(2), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93-559, §§ 7(2), 8(a)(3)-(5), Dec. 30, 1974, 88 Stat. 1796, 1797; Pub. L. 94-161, title III, § 311(5), Dec. 20, 1975, 89 Stat. 861; Pub. L. 94-329, title IV, § 414, June 30, 1976, 90 Stat. 761.)

References in Text

The Foreign Assistance Act of 1969, referred to in subsecs. (b), (c), (d), and (g), is Pub. L. 91-175, Dec. 30, 1969, 83 Stat. 805. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume. The guaranty authorities repealed by the 1969 Act were the guaranty authorities contained in sections 2181 to 2184 prior to the general reorganization of this subpart by the 1969 Act.

Section 2200 of this title, referred to in subsec. (d), was repealed by section 8(b) of Pub. L. 93-559, and is now covered by section 2182a of this title.

References to Subchapter I as Including Part IV of Subchapter II, Sections 2346 to 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

Prior Provisions

A prior section 223 of Pub. L. 87-195, pt. I, Sept. 4, 1961, 75 Stat. 431 as amended by Pub. L. 89-171, pt. I, § 104(d), Sept. 6, 1965, 79 Stat. 654; Pub. L. 90-137, pt. I, § 104(c), Nov. 4, 1967, 81 Stat. 451, dealing with definitions was omitted in the general reorganization of this subpart by Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807.

A former section 2184, Pub. L. 87-195, pt. I, § 224, Sept. 4, 1961, 75 Stat. 432; Pub. L. 87-565, pt. I, § 104(c), Aug. 1, 1962, 76 Stat. 257; Pub. L. 88-205, pt. I, § 104(g), Dec. 16, 1963, 77 Stat. 382; Pub. L. 88-633, pt. I, § 103(b), Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89-171, pt. I, § 104(e), Sept. 6, 1965, 79 Stat. 655; Pub. L. 89-583, pt. I, § 104(c), Sept. 19, 1966, 80 Stat. 798; Pub. L. 90-137, pt. I, § 104(d), Nov. 14, 1967, 81 Stat. 451; Pub. L. 90-554, pt. I, § 104, Oct. 8, 1968, 82 Stat. 961, covering housing projects in Latin America, was omitted in the general reorganization of this subpart by Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807. See section 2182 of this title.

Amendments

1976—Subsec. (j). Pub. L. 94-329 authorized the President to issue housing guaranties until September 30, 1977, in Lebanon, not exceeding a face amount of $15,000,000.

1975—Subsec. (i). Pub. L. 94-161, § 311(5)(A), substituted "September 30, 1978" for "June 30, 1976".

Subsec. (j). Pub. L. 94-161, § 311(5)(B), added subsec. (j).

1974—Subsec. (a). Pub. L. 93-559, § 8(a)(3), included reference to section 2182a of this title.

Subsec. (b). Pub. L. 93-559, § 8(a)(4), substituted in first sentence "section 2181 and section 2182 of this title" for "this subpart".

Subsec. (d). Pub. L. 93-559, § 8(a)(5), substituted "section 2181, 2182, 2182a, or previously under section 2200 of this title" for "section 2181 or section 2182 of this title".

Subsec. (i). Pub. L. 93-559, § 7(2), substituted "June 30, 1976" for "June 30, 1975".

1973—Subsec. (i). Pub. L. 93-189 substituted "June 30, 1975" for "June 30, 1974".

1972—Subsec. (i). Pub. L. 92-226 extended termination date to June 30, 1974, from June 30, 1972.

Section Referred to in Other Sections

This section is referred to in sections 2181, 2182a, 2195 of this title.

SUBPART IV—OVERSEAS PRIVATE INVESTMENT CORPORATION

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 2360, 2396 of this title.

§ 2191. Congressional statement of purpose; creation and functions of Corporation

To mobilize and facilitate the participation of United States private capital and skills in the economic and social development of less developed friendly countries and areas, thereby complementing the development assistance objectives of the United States, there is hereby created the Overseas Private Investment Corporation (hereinafter called the "Corporation"), which shall be an agency of the United States under the policy guidance of the Secretary of State.

In carrying out its purpose, the Corporation, utilizing broad criteria, shall undertake—

(a) to conduct financing, insurance, and reinsurance operations on a self-sustaining basis, taking into account in its financing operations the economic and financial soundness of projects;

(b) to utilize private credit and investment institutions and the Corporation's guaranty authority as the principal means of mobilizing capital investment funds;

(c) to broaden private participation and revolve its funds through selling its direct investments to private investors whenever it can appropriately do so on satisfactory terms;

(d) to conduct its insurance operations with due regard to principles of risk management including efforts to share its insurance and reinsurance risks;

(e) to give preferential consideration in its investment insurance, financing, and reinsurance activities (to the maximum extent practicable consistent with the Corporation's purposes) to investment projects involving businesses of not more than $2,500,000 net worth or with not more than $7,500,000 in total assets;

(f) to encourage and support only those private investments in less developed friendly countries and areas which are sensitive and responsive to the special needs and requirements of their economies, and which contribute to the social and economic development of their people;

(g) to consider in the conduct of its operations the extent to which less developed country governments are receptive to private enterprise, domestic and foreign, and their willingness and ability to maintain conditions which enable private enterprise to make its full contribution to the development process;

(h) to foster private initiative and competition and discourage monopolistic practices;

(i) to further to the greatest degree possible, in a manner consistent with its goals, the balance-of-payments and employment objectives of the United States;

(j) to conduct its activities in consonance with the activities of the agency primarily responsible for administering subchapter I of this chapter and the international trade, investment, and financial policies of the United States Government;

(k) to advise and assist, within its field of competence, interested agencies of the United States and other organizations, both public and private, national and international, with respect to projects and programs relating to the development of private enterprise in less developed countries and areas;

(l) to the maximum extent practicable, to give preferential consideration in the Corporation's investment insurance, financing, and reinsurance activities to investment projects in the less developed friendly countries which have per capita incomes of $450 or less in 1973 United States dollars; and

(m)(1) to decline to issue any contract of insurance or reinsurance, or any guaranty, or to enter into any agreement to provide financing for an eligible investor's proposed investment if the Corporation determines that such investment is likely to cause such investor (or the sponsor of an investment project in which such investor is involved) significantly to reduce the number of his employees in the United States production he is replacing his United States production with production from such investment which involves substantially the same product for substantially the same market as his United States production; and (2) to monitor conformance with the representations of the investor on which the Corporation relied in making the determination required by clause (1).

(Pub. L. 87-195, pt. I, § 231, as added Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 809, and amended Pub. L. 93-390, § 2(1), Aug. 27, 1974, 88 Stat. 763.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

PRIOR PROVISIONS

A prior section 231 of Pub. L. 87-195, pt. 1, Sept. 4, 1961, 75 Stat. 432, dealing with the general authority of the President to participate in the financing of surveys of investment opportunities in less developed friendly countries, was omitted in the general reorganization of this subpart by Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807.

AMENDMENTS

1974—Pub. L. 93-390 in introductory paragraph substituted "social development" for "social progress", in cl. (a) added provisions for conducting insurance and reinsurance operations and substituted provisions requiring in financial operations consideration of economic and financial soundness of projects for provisions requiring consideration of economic and financial soundness of projects and availability of financing from other sources on appropriate terms, in cl. (d) substituted "efforts to share its insurance and reinsurance" for "when appropriate, efforts to share its insurance", in cl. (e) substituted provisions requiring preferential treatment to investment projects involving busi-

nesses with enumerated net worth or total assets for provisions requiring utilization and encouragement for full participation in Corporation programs of small businesses, in cl. (i) added "and employment" preceding "objectives", and added cls. (*l*) and (m).

EX. ORD. NO. 11579. OVERSEAS PRIVATE INVESTMENT CORPORATION

Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, provided:

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424), as amended (hereinafter the "Act") [section 2151 et seq. of this title] and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Transfer to Overseas Private Investment Corporation.* All obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in sections 234(a), (b) and (d) of the Act [section 2194(a), (b) and (d) of this title] are hereby transferred to the Overseas Private Investment Corporation (hereinafter the "Corporation").

SEC. 2. *Delegation of functions.* (a) The functions conferred upon the President by sections 621(b), 625(d)(1), 627, 628, 629(b), 630, and 635(d) of the Act [sections 2381(b), 2385(d)(1), 2387, 2388, 2389(b), 2390, and 2395(d) of this title] insofar as such functions relate to the operation of the Corporation, its activities, or personnel are hereby delegated to the Corporation: *Provided*, That the concurrence of the Secretary of State shall be required with respect to the exercise by the Corporation of so much of the functions herein delegated pursuant to section 625(d)(1) of the Act [section 2385(d)(1) of this title] as consists of authorization of compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946 [section 801 et seq. of this title] for persons employed or assigned by the Corporation.

(b) The function of prescribing regulations relating to the reinstatement or restoration of officers and employees of the Corporation to other government positions, when their appointment to a position in the Corporation was made from another government position and their separation from the Corporation was not made for cause, is hereby delegated to the Civil Service Commission.

SEC. 3. *Allocation and transfer of funds.* Funds made available under section 232 of the Act (repealed by section 105 of the Foreign Assistance Act of 1969) [section 2192 of this title] which are obligated but unexpended are hereby transferred to the Corporation.

SEC. 4. *General provisions.* (a) As used in this order, the words "function" or "functions" include any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(b) The Corporation shall be deemed to be the successor of the Agency for International Development and the Administrator thereof, with respect to all functions vested in the Corporation pursuant to law.

(c) Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(d) Executive Order No. 10973 of November 3, 1961, as amended [set out as a note under this section], is hereby superseded insofar as any provision therein is in conflict with any provision herein.

(e) The provisions of this order shall become effective upon adoption by the Board of Directors of bylaws for the Corporation.

RICHARD NIXON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2199 of this title.

§ 2192. Capital of the Corporation

The President is authorized to pay in as capital of the Corporation, out of dollar receipts made available through the appropriation process from loans made pursuant to subchapter I of this chapter and from loans made under the Mutual Security Act of 1954, as amended, for the fiscal year 1970 not to exceed $20,000,000 and for the fiscal year 1971 not to exceed $20,000,000. Upon the payment of such capital by the President, the Corporation shall issue an equivalent amount of capital stock to the Secretary of the Treasury.

(Pub. L. 87-195, pt. I, § 232, as added Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 810.)

REFERENCES IN TEXT

The Mutual Security Act of 1954, referred to in text, is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, 71 Stat. 355; June 30, 1958, Pub. L. 85-477, ch. 1, §§ 101 to 103, ch. II, §§ 201 to 205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86-108, § 2, ch. 1, § 101, ch. II, §§ 201 to 205(a) to (i), (k) to (n), ch. III, § 301, ch. IV, § 401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86-472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85-141, §§ 2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86-108, ch. II, §§ 205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86-472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94-329, title II, § 212(b)(1), June 30, 1976, 90 Stat. 745, except for sections 1754, 1783, 1796, 1853, 1922, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

PRIOR PROVISIONS

A prior section 232 of Pub. L. 87-195, pt. I, Sept. 4, 1961, 75 Stat. 432 as amended by Pub. L. 87-565, pt. I, § 105, Aug. 1, 1962, 76 Stat. 257; Pub. L. 88-633, pt. I, § 104, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 90-137, pt. I, § 105, Nov. 14, 1967, 81 Stat. 451, dealing with authorization of appropriations for surveys of investment opportunities, was omitted in the general reorganization of this subpart by Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2195 of this title.

§ 2193. Organization and management

(a) Structure

The Corporation shall have a Board of Directors, a President, an Executive Vice President, and such other officers and staff as the Board of Directors may determine.

(b) Board of directors

All powers of the Corporation shall vest in and be exercised by or under the authority of its Board of Directors ("the Board") which shall consist of eleven Directors, including the Chairman, with six Directors constituting a quorum for the transaction of business. The Administrator of the Agency for International Development shall be the Chairman of the Board, ex officio. Six Directors (other than the President of the Corporation, appointed pursuant to subsection (c) of this section who shall also serve as a Director) shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall not be officials or employees of the Government of the United States. At least one of the six Directors appointed under the preceding sentence shall be experienced in small business, one in organized labor, and one in cooperatives. Each such Director shall be appointed for a term of no more than three years. The terms of no more than two such Directors shall expire in any one year. Such Directors shall serve until their successors are appointed and qualified and may be reappointed.

The other Directors shall be officials of the Government of the United States, designated by and serving at the pleasure of the President of the United States.

All Directors who are not officers of the Corporation or officials of the Government of the United States shall be compensated at a rate equivalent to that of level IV of the Executive Schedule when actually engaged in the business of the Corporation and may be paid per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended from time to time, while away from their homes or usual places of business.

(c) President

The President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In making such appointment, the President shall take into account private business experience of the appointee. The President of the Corporation shall be its Chief Executive Officer and responsible for the operations and management of the Corporation, subject to bylaws and policies established by the Board.

(d) Officers and staff

The Executive Vice President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. Other officers, attorneys, employees, and agents shall be selected and appointed by the Corporation, and shall be vested with such powers and duties as the Corporation may determine. Of such persons employed by the Corporation, not to exceed twenty may be appointed, compensated, or removed without regard to the civil service laws and regulations: *Provided*, That under such regulations as the President of the United States may prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those otherwise authorized by law, including those authorized by section 5108 of title 5.

(Pub. L. 87-195, pt. I, § 233, as added Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 810.)

REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in subsec. (b), is set out in section 5315 of Title 5, Government Organization and Employees.

The civil service laws, referred to in subsec. (d), are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

PRIOR PROVISIONS

A prior section 233 of Pub. L. 87-195, pt. I, Sept. 4, 1961, 75 Stat. 432, dealing with definitions, was omitted in the general reorganization of this subpart by Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807.

§ 2194. Investment insurance and other programs

The Corporation is hereby authorized to do the following:

(a) Investment insurance

(1) To issue insurance, upon such terms and conditions as the Corporation may determine, to eligible investors assuring protection in whole or in part against any or all of the following risks with respect to projects which the Corporation has approved—

(A) inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof;

(B) loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action of a foreign government; and

(C) loss due to war, revolution, or insurrection.

(2) Recognizing that major private investments in less developed friendly countries or areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make arrangements with foreign governments (including agencies, instrumentalities, or political subdivisions thereof) or with multilateral organizations and institutions for sharing liabilities assumed under investment insurance for such investments and may in connection therewith issue insurance to investors not otherwise eligible hereunder, except that liabilities assumed by the Corporation under the authority of this subsection shall be consistent with the purposes of this

subpart and that the maximum share of liabilities so assumed shall not exceed the proportionate participation by eligible investors in the total project financing, and that the maximum share of liabilities so assumed under paragraph (1)(A) and (B) or paragraph (1)(C) shall not exceed the Corporation's proportional share for such liabilities as specified in paragraph (4) or (5) of this subsection.

(3) Not more than 10 per centum of the total face amount of investment insurance which the Corporation is authorized to issue under this subsection shall be issued to a single investor.

(4)(A) It is the intention of Congress that the Corporation achieve participation by private insurance companies, multilateral organizations, or others in liabilities incurred in respect of the risks referred to in paragraph (1)(A) and (B) of this subsection under contracts issued on and after January 1, 1975, of at least 25 per centum, and, under contracts issued on and after January 1, 1978, of at least 50 per centum. If for good reason it is not possible for the Corporation to achieve either such percentage of participation, the Corporation shall report in detail to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives the reasons for its inability to achieve either such percentage of participation, and the date by which such percentage is to be achieved. (B) The Corporation shall not participate as insurer under contracts of insurance issued after December 31, 1979, in respect of the risks referred to in paragraph (1)(A) and (B) of this subsection unless Congress by law modifies this paragraph.

(5)(A) It is the intention of Congress that the Corporation achieve participation by private insurance companies, multilateral organizations, or others in liabilities incurred in respect of the risks referred to in paragraph (1)(C) of this subsection under contracts issued on and after January 1, 1976, of at least 12½ per centum, and, under contracts issued on and after January 1, 1979, of at least 40 per centum. If for good reason it is not possible for the Corporation to achieve either such percentage of participation, the Corporation shall report in detail to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives the reasons for its inability to achieve either such percentage of participation and the date by which such percentage is to be achieved.

(B) The Corporation shall not participate as insurer under contracts of insurance issued after December 31, 1980, in respect of the risks referred to in paragraph (1)(C) of this subsection unless Congress by law modifies this paragraph.

(6) Notwithstanding any of the percentages of participation under paragraphs (4)(A) and (5)(A) of this subsection, the Corporation may agree to assume liability as insurer for any contract of insurance, or share thereof, that a private insurance company, multilateral organization, or any other person has issued in respect of the risks referred to in paragraph (1) of this subsection, and neither the execution of any such agreement to assume liability nor its performance by the Corporation shall be considered as participation by the Corporation in any such contract for purposes of such percentages of participation. On and after January 1, 1981, the Corporation shall not enter into any such agreement to assume liability.

(7) On and after December 31, 1979, the Corporation shall not manage direct insurance issued after such date in respect of risks referred to in paragraph (1)(A) or (B) of this subsection unless Congress by law modifies this sentence. On and after December 31, 1980, the Corporation shall not manage direct insurance issued after such date in respect of risks referred to in paragraph (1)(C) of this subsection unless Congress by law modifies this sentence. It shall thereafter act solely as a reinsurer except to the extent necessary to manage its outstanding insurance and reinsurance contracts and any contracts of insurance the Corporation assumes pursuant to paragraph (6).

(b) Investment guaranties

To issue to eligible investors guaranties of loans and other investments made by such investors assuring against loss due to such risks and upon such terms and conditions as the Corporation may determine: *Provided, however,* That such guaranties on other than loan investments shall not exceed 75 per centum of such investment: *Provided further,* That except for loan investments for credit unions made by eligible credit unions or credit union associations, the aggregate amount of investment (exclusive of interest and earnings) so guaranteed with respect to any project shall not exceed, at the time of issuance of any such guaranty, 75 per centum of the total investment committed to any such project as determined by the Corporation, which determination shall be conclusive for purposes of the Corporation's authority to issue any such guaranty: *Provided further,* That not more than 10 per centum of the total face amount of investment guaranties which the Corporation is authorized to issue under this subsection shall be issued to a single investor.

(c) Direct investment

To make loans in United States dollars repayable in dollars or loans in foreign currencies (including, without regard to section 724 of title 31, such foreign currencies which the Secretary of the Treasury may determine to be excess to the normal requirements of the United States and the Director of the Office of Management and Budget may allocate) to firms privately owned or of mixed private and public ownership upon such terms and conditions as the Corporation may determine. The Corporation may not purchase or invest in any stock in any other corporation, except that it may (1) accept as evidence of indebtedness debt securities convertible to stock, but such debt securities shall not be converted to stock while held by the Corporation, and (2) acquire stock through the enforcement of any lien or pledge or otherwise to satisfy a previously contracted indebtedness which would otherwise be in default, or as the result of any payment under any contract of insurance or guaranty. The Corporation shall dispose of any stock it may so acquire as soon as

reasonably feasible under the circumstances then pertaining.

No loans shall be made under this section to finance operations for mining or other extraction of any deposit or ore, oil, gas, or other mineral.

(d) Investment encouragement

To initiate and support through financial participation, incentive grant, or otherwise, and on such terms and conditions as the Corporation may determine, the identification, assessment, surveying and promotion of private investment opportunities, utilizing wherever feasible and effective the facilities of private organizations or private investors: *Provided, however,* That the Corporation shall not finance surveys to ascertain the existence, location, extent or quality, or to determine the feasibility of undertaking operations for mining or other extraction, of any deposit of ore, oil, gas, or other mineral. In carrying out this authority, the Corporation shall coordinate with such investment promotion activities as are carried out by the Department of Commerce.

(e) Special projects and programs

To administer and manage special projects and programs, including programs of financial and advisory support which provide private technical, professional, or managerial assistance in the development of human resources, skills, technology, capital savings and intermediate financial and investment institutions and cooperatives. The funds for these projects and programs may, with the Corporation's concurrence, be transferred to it for such purposes under the authority of section 2392(a) of this title or from other sources, public or private.

(f) Additional insurance functions

(1) To make and carry out contracts of insurance or reinsurance, or agreements to associate or share risks, with insurance companies, financial institutions, any other persons, or groups thereof, and employing the same, where appropriate, as its agent, or acting as their agent, in the issuance and servicing of insurance, the adjustment of claims, the exercise of subrogation rights, the ceding and accepting of reinsurance, and in any other matter incident to an insurance business.

(2) To enter into pooling or other risk-sharing arrangements with other national or multinational insurance or financing agencies or groups of such agencies.

(3) To hold an ownership interest in any association or other entity established for the purposes of sharing risks under investment insurance.

(4) To issue, upon such terms and conditions as it may determine, reinsurance of liabilities assumed by other insurers or groups thereof in respect of risks referred to in subsection (a)(1) of this section. The authority granted by paragraph (3) may be exercised notwithstanding the prohibition under subsection (c) of this section against the Corporation purchasing or investing in any stock in any other corporation. The amount of reinsurance of liabilities under this subpart which the Corporation may issue shall not exceed $600,000,000 in any one year, and the amount of such reinsurance shall not in the aggregate exceed at any one time an amount equal to the amount authorized for the maximum contingent liability outstanding at any one time under section 2195(a)(1) of this title. All reinsurance issued by the Corporation under this subsection shall require that the reinsured party retain for his own account specified portions of liability, whether first loss or otherwise, and the Corporation shall endeavor to increase such specified portions to the maximum extent possible.

(Pub. L. 87-195, pt. I, § 234, as added Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 811, and amended 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Pub. L. 93-390, § 2(2), Aug. 27, 1974, 88 Stat. 764; H. Res. 163, Mar. 19, 1975.)

AMENDMENTS

1974—Subsec. (a)(2). Pub. L. 93-390, § 2(2)(B), added "and institutions" following "multilateral organizations" and provisions relating to the maximum share of liabilities assumed under par. (1)(A) to (C) of this subsection.

Subsec. (a)(4) to (7). Pub. L. 93-390, § 2(2)(C), added subsec. (a)(4) to (7).

Subsec. (f). Pub. L. 93-390, § 2(2)(D), added subsec. (f).

CHANGE OF NAME

The name of the Committee on Foreign Affairs of the House of Representatives was changed to Committee on International Relations effective Mar. 19, 1975, by House Resolution 163, 94th Congress.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of 1970 Reorg. Plan No. 2 redesignated the Bureau of the Budget as the Office of Management and Budget.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2195, 2197, 2199 of this title.

§ 2195. Investment insurance

(a) Contingent liability; expiration of authority

(1) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 2194(a) of this title shall not exceed $7,500,000,000.

(2) The maximum contingent liability outstanding at any one time pursuant to guaranties issued under section 2194(b) of this title shall not exceed in the aggregate $750,000,000, of which guaranties of credit union investments shall not exceed $1,250,000: *Provided,* That the Corporation shall not make any commitment to issue any guaranty which would result in a fractional reserve less than 25 per centum of the maximum contingent liability then outstanding against guaranties issued or commitments made pursuant to section 2194(b) of this title or similar predecessor guaranty authority.

(3) The Congress, in considering the budget programs transmitted by the President for the Corporation, pursuant to section 849 of title 31, may limit the obligations and contingent liabilities to be undertaken under section 2194(a)

and (b) of this title as well as the use of funds for operating and administrative expenses.

(4) The authority of section 2194(a) and (b) of this title shall continue until December 31, 1977.

(b) Direct Investment Fund

There shall be established a revolving fund, known as the Direct Investment Fund, to be held by the Corporation. Such fund shall consist initially of amounts made available under section 2192 of this title, shall be available for the purposes authorized under section 2194(c) of this title, shall be charged with realized losses and credited with realized gains and shall be credited with such additional sums as may be transferred to it under the provisions of section 2196 of this title.

(c) Insurance Reserve; Guaranty Reserve

There shall be established in the Treasury of the United States an insurance and guaranty fund, which shall have separate accounts to be known as the Insurance Reserve and the Guaranty Reserve, which reserves shall be available for discharge of liabilities, as provided in subsection (d) of this section, until such time as all such liabilities have been discharged or have expired or until all such reserves have been expended in accordance with the provisions of this section. Such fund shall be funded by: (1) the funds heretofore available to discharge liabilities under predecessor guaranty authority (including housing guaranty authorities), less both the amount made available for housing guaranty programs pursuant to section 2183(b) of this title and the amount made available to the Corporation pursuant to section 2194(e) of this title; and (2) such sums as shall be appropriated pursuant to subsection (f) of this section for such purpose. The allocation of such funds to each such reserve shall be determined by the Board after consultation with the Secretary of the Treasury. Additional amounts may thereafter be transferred to such reserves pursuant to section 2196 of this title.

(d) Priority of funds used to discharge liabilities

Any payments made to discharge liabilities under investment insurance or reinsurance issued under section 2194 of this title or under similar predecessor guaranty authority shall be paid first out of the Insurance Reserve, as long as such reserve remains available, and thereafter out of funds made available pursuant to subsection (f) of this section. Any payments made to discharge liabilities under guaranties issued under section 2194(b) of this title or under similar predecessor guaranty authority shall be paid first out of the Guaranty Reserve as long as such reserve remains available, and thereafter out of funds made available pursuant to subsection (f) of this section.

(e) Reserves from predecessor guaranty authority

There is hereby authorized to be transferred to the Corporation at its call, for the purposes specified in section 2196 of this title, all fees and other revenues collected under predecessor guaranty authority from December 31, 1968, available as of the date of such transfer.

(f) Authorization of appropriations; issuance, etc., of obligations by Corporation for purchase by Secretary of Treasury

There are authorized to be appropriated to the Corporation, to remain available until expended, such amounts as may be necessary from time to time to replenish or increase the insurance and guaranty fund, to discharge the liabilities under insurance, reinsurance, or guaranties issued by the Corporation or issued under predecessor guaranty authority, or to discharge obligations of the Corporation purchased by the Secretary of the Treasury pursuant to this subsection. However, no appropriations shall be made to augment the Insurance Reserve until the amount of funds in the Insurance Reserve is less than $25,000,000. Any appropriations to augment the Insurance Reserve shall then only be made either pursuant to specific authorization enacted after August 27, 1974, or to satisfy the full faith and credit provision of section 2197(c) of this title. In order to discharge liabilities under investment insurance or reinsurance, the Corporation is authorized to issue from time to time for purchase by the Secretary of the Treasury its notes, debentures, bonds, or other obligations; but the aggregate amount of such obligations outstanding at any one time shall not exceed $100,000,000. Any such obligation shall be repaid to the Treasury within one year after the date of issue of such obligation. Any such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of any obligation authorized by this subsection. The Secretary of the Treasury shall purchase any obligation of the Corporation issued under this subsection, and for such purchase he may use as a public debt transaction the proceeds of the sale of any securities issued under the Second Liberty Bond Act after August 27, 1974. The purpose for which securities may be issued under such Bond Act shall include any such purchase.

(Pub. L. 87-195, pt. I, § 235, as added Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 813, and amended Pub. L. 93-189, § 6(1), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93-390, § 2(3), Aug. 27, 1974, 88 Stat. 766.)

REFERENCES IN TEXT

The Second Liberty Bond Act, referred to in subsec. (f), is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended. For classification of this Act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables volume.

AMENDMENTS

1974—Subsec. (a)(4). Pub. L. 93-390, § 2(3)(A), substituted "December 31, 1977" for "December 31, 1974".

Subsec. (d). Pub. L. 93-390, § 2(3)(B), substituted "insurance or reinsurance issued under section 2194 of this title" for "insurance issued under section 2194(a) of this title".

Subsec. (f). Pub. L. 93-390, § 2(3)(C), added provisions authorizing appropriations to discharge liabilities under reinsurance or obligations of the Corporation purchased by the Secretary of the Treasury, provisions relating to appropriations to augment the Insurance Reserve, and provisions relating to the issuance, sale, etc., of notes, debentures, bonds, or other

obligations by the Corporation for purchase by the Secretary of the Treasury.

1973—Subsec. (a)(4). Pub. L. 93-189 substituted "December 31, 1974" for "June 30, 1974".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2194, 2196 of this title.

§ 2196. Income and revenues

In order to carry out the purposes of the Corporation, all revenues and income transferred to or earned by the Corporation, from whatever source derived, shall be held by the Corporation and shall be available to carry out its purposes, including without limitation—

(a) payment of all expenses of the Corporation, including investment promotion expenses;

(b) transfers and additions to the insurance or guaranty reserves, the Direct Investment Fund established pursuant to section 2195 of this title, and such other funds or reserves as the Corporation may establish, at such time and in such amounts as the Board may determine; and

(c) payment of dividends, on capital stock, which shall consist of and be paid from net earnings of the Corporation after payments, transfers, and additions under subsections (a) and (b) hereof.

(Pub. L. 87-195, pt. I, § 236, as added Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 814.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2182a, 2195 of this title.

§ 2197. General provisions relating to insurance, guaranty, and reinsurance programs

(a) Scope

Insurance, guaranties, and reinsurance issued under this subpart shall cover investment made in connection with projects in any less developed friendly country or area with the government of which the President of the United States has agreed to institute a program for insurance, guaranties, or reinsurance.

(b) Protection of interest

The Corporation shall determine that suitable arrangements exist for protecting the interest of the Corporation in connection with any insurance, guaranty or reinsurance issued under this subpart, including arrangements concerning ownership, use, and disposition of the currency, credits, assets, or investments on account of which payment under such insurance, guaranty or reinsurance is to be made, and any right, title, claim, or cause of action existing in connection therewith.

(c) Guaranties as obligations backed by full faith and credit of United States

All guaranties issued prior to July 1, 1956, all guaranties issued under sections 1872(b) and 1933(b) of this title, all guaranties heretofore issued pursuant to prior guaranty authorities repealed by the Foreign Assistance Act of 1969, and all insurance, reinsurance and guaranties issued pursuant to this subpart shall constitute obligations, in accordance with the terms of such insurance, reinsurance or guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

(d) Fees; determination of amount; reduction of amounts paid under existing contracts

Fees shall be charged for insurance, guaranty, and reinsurance coverage in amounts to be determined by the Corporation. In the event fees charged for investment insurance, guaranties, or reinsurance are reduced, fees to be paid under existing contracts for the same type of insurance, guaranties, or reinsurance and for similar guaranties issued under predecessor guaranty authority may be reduced.

(e) Maximum term of obligation

No insurance, guaranty, or reinsurance of any equity investment shall extend beyond twenty years from the date of issuance.

(f) Limitations on amounts

No insurance, reinsurance, or guaranty issued under this subpart shall exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings or profits actually accrued on said investment to the extent provided by such insurance, reinsurance, or guaranty. Notwithstanding the preceding sentence, the Corporation shall limit the amount of direct insurance and reinsurance issued by it under section 2194 of this title so that risk of loss as to at least 10 per centum of the total investment of the insured and its affiliates in the project is borne by the insured and such affiliates. The preceding sentence shall not apply to the extent not permitted by State law.

(g) Fraud or misrepresentation

No payment may be made under any guaranty, insurance, or reinsurance issued pursuant to this subpart for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

(h) Limits of obligation

Insurance, guaranties, or reinsurance of a loan or equity investment of an eligible investor in a foreign bank, finance company, or other credit institution shall extend only to such loan or equity investment and not to any individual loan or equity investment made by such foreign bank, finance company, or other credit institution.

(i) Claims settlement

Claims arising as a result of insurance, reinsurance, or guaranty operations under this subpart or under predecessor guaranty authority may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the Corporation may determine. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

(j) Presumption of compliance

Each guaranty contract executed by such officer or officers as may be designated by the Board shall be conclusively presumed to be

issued in compliance with the requirements of this chapter.

(k) Balance of payments

In making a determination to issue insurance, guaranties, or reinsurance under this subpart, the Corporation shall consider the possible adverse effect of the dollar investment under such insurance, guaranty, or reinsurance upon the balance of payments of the United States.

(Pub. L. 87-195, pt. I, § 237, as added Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 814, and amended Pub. L. 93-390, § 2(4), Aug. 27, 1974, 88 Stat. 767.)

REFERENCES IN TEXT

Sections 1872(b) and 1933(b) of this title, referred to in subsec. (c), were repealed by Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460. Section 642(b) of Pub. L. 87-195 provided that references to provisions of law repealed by subsec. (a) were to be deemed references to the appropriate provisions of Pub. L. 87-195. See, now, sections 2163 and 2351 of this title.

The Foreign Assistance Act of 1969, referred to in subsec. (d), is Pub. L. 91-175, Dec. 30, 1969, 83 Stat. 805. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume. The guaranty authorities repealed by the 1969 Act were the guaranty authorities contained in sections 2181 to 2184 prior to the general reorganization of subpart III by the 1969 Act.

This chapter, referred to in subsec. (j), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-390, § 2(4)(A), added references to reinsurance wherever appearing therein.

Subsec. (b). Pub. L. 93-390, § 2(4)(B), added references to reinsurance wherever appearing therein.

Subsec. (c). Pub. L. 93-390, § 2(4)(C), added references to reinsurance wherever appearing therein.

Subsec. (d). Pub. L. 93-390, § 2(4)(D), added provisions authorizing fees to be charged for reinsurance and reduction of reinsurance fees under existing contracts in the event fees charged for reinsurance are reduced.

Subsec. (e). Pub. 93-390, § 2(4)(E), added reference to reinsurance.

Subsec. (f). Pub. L. 93-390, § 2(4)(F), (G), added "reinsurance" preceding "or guaranty" wherever appearing therein and provisions relating to limitations on the amount of direct insurance or reinsurance.

Subsec. (g). Pub. L. 93-390, § 2(4)(H), added applicability to insurance and reinsurance.

Subsec. (h). Pub. L. 93-390, § 2(4)(I), added reference to reinsurance.

Subsec. (i). Pub. L. 93-390, § 2(4)(J), added reference to reinsurance.

Subsec. (k). Pub. L. 93-390, § 2(4)(K), added references to reinsurance wherever appearing therein.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2195 of this title.

§ 2198. Definitions

As used in this subpart—

(a) the term "investment" includes any contribution of funds, commodities, services, patents, processes, or techniques, in the form of (1) a loan or loans to an approved project, (2) the purchase of a share of ownership in any such project, (3) participation in royalties, earnings, or profits of any such project, and (4) the furnishing of commodities or services pursuant to a lease or other contract;

(b) the term "expropriation" includes, but is not limited to, any abrogation, repudiation, or impairment by a foreign government of its own contract with an investor with respect to a project, where such abrogation, repudiation, or impairment is not caused by the investor's own fault or misconduct, and materially adversely affects the continued operation of the project;

(c) the term "eligible investor" means: (1) United States citizens; (2) corporations, partnerships, or other associations including nonprofit associations, created under the laws of the United States or any State or territory thereof and substantially beneficially owned by United States citizens; and (3) foreign corporations, partnerships, of other associations wholly owned by one or more such United States citizens, corporations, partnerships, or other associations: *Provided, however,* That the eligibility of such foreign corporation shall be determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, held by other than the United States owners: *Provided further,* That in the case of any loan investment a final determination of eligibility may be made at the time the insurance or guaranty is issued; in all other cases, the investor must be eligible at the time a claim arises as well as at the time the insurance or guaranty is issued; and

(d) the term "predecessor guaranty authority" means prior guaranty authorities (other than housing guaranty authorities) repealed by the Foreign Assistance Act of 1969, and sections 1509(b)(3), 1872(b), and 1933(b) of this title (exclusive of authority relating to informational media guaranties).

(Pub. L. 87-195, pt. I, § 238, as added Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 815, and amended Pub. L. 92-226, pt. I, § 104(a), Feb. 7, 1972, 86 Stat. 22.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1969, referred to in subsec. (d), is Pub. L. 91-175, Dec. 30, 1969, 83 Stat. 805. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume. The guaranty authorities repealed by the 1969 Act were the guaranty authorities contained in sections 2181 to 2184 prior to the general reorganization of subpart III by the 1969 Act.

Section 1509(b)(3) of this title, referred to in subsec. (d), was repealed by act Aug. 26, 1954, ch. 937, title V, § 542(a)(4), 68 Stat. 861.

Sections 1872(b) and 1933(b) of this title, referred to in subsec. (b), were repealed by Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460. Section 642(b) of Pub. L. 87-195 provided that references to provisions of law repealed by subsec. (a) were to be deemed references to the appropriate provisions of Pub. L. 87-195. See, now, sections 2163 and 2351 of this title.

AMENDMENTS

1972—Subsec. (c). Pub. L. 92-226 struck out from first proviso "required by law to be" following "share capital,".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2181, 2182 of this title.

§ 2199. General provisions and powers

(a) Place of residence

The Corporation shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof.

(b) Transfer of prior obligations, etc.; administration prior to transfer; termination date for cessation by Corporation of operation of specified programs; transfer of programs and obligations, etc., to other agencies of the United States; conditions for continued operation subsequent to transfer

The President shall transfer to the Corporation, at such time as he may determine, all obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in section 2194(a), (b), and (d) of this title. Until such transfer, the agency heretofore responsible for such predecessor programs shall continue to administer such assets and obligations, and such programs and activities authorized under this subpart as may be determined by the President. On December 31, 1979, the Corporation shall cease operating the programs authorized by section 2194(b) through (e) of this title and section 2200 of this title. Thereafter, the President is authorized to transfer such programs, and all obligations, assets, and related rights and responsibilities arising out of, or related to, such programs to other agencies of the United States. Upon any such transfer, these programs shall be limited to countries with per capita income of $450 or less in 1973 dollars.

(c) Government Corporation Control Act

The Corporation shall be subject to the applicable provisions of the Government Corporation Control Act [31 U.S.C. 841 et seq.], except as otherwise provided in this subpart.

(d) Powers of Corporation

To carry out the purposes of this subpart, the Corporation is authorized to adopt and use a corporate seal, which shall be judicially noticed; to sue and be sued in its corporate name; to adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law; to acquire, hold or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest therein; to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds therefrom, including earnings and profits, as it shall deem appropriate; to indemnify directors, officers, employees and agents of the Corporation for liabilities and expenses incurred in connection with their Corporation activities; notwithstanding any other provision of law, to represent itself or to contract for representation in all legal and arbitral proceedings; to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guaranty, and guarantee notes, participation certificates, and other evidence of indebtedness (provided that the Corporation shall not issue its own securities, except participation certificates for the purpose of carrying out section 2191(c) of this title); to make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business; to exercise the priority of the Government of the United States in collecting debts from bankrupt, insolvent, or decedents' estates; to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations; and to take such actions as may be necessary or appropriate to carry out the powers herein or hereafter specifically conferred upon it.

(e) Audits and reviews by Auditor General of the Agency for International Development

The Auditor-General of the Agency for International Development (1) shall have the responsibility for planning and directing the execution of audits, reviews, investigations, and inspections of all phases of the Corporation's operations and activities and (2) shall conduct all security activities of the Corporation relating to personnel and the control of classified material. With respect to his responsibilities under this subsection, the Auditor-General shall report to the Board. The agency primarily responsible for administering subchapter I of this chapter shall be reimbursed by the Corporation for all expenses incurred by the Auditor-General in connection with his responsibilities under this subsection.

(f) Advisory Council

In order to further the purposes of the Corporation there shall be established an Advisory Council to be composed of such representatives of the American business community as may be selected by the Chairman of the Board. The President and the Board shall, from time to time, consult with such Council concerning the objectives of the Corporation. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5 for travel and other expenses incurred by them in the performance of their functions under this section.

(g) Yugoslavian or Romanian programs; national interest

Except for the provisions of this subpart, no other provision of this chapter or any other law shall be construed to prohibit the operation in Yugoslavia or Romania of the programs authorized by this subpart, if the President determines that the operation of such program in such country is important to the national interest.

(h) Development and implementation of criteria to minimize potential environmental implications of projects

Within six months after August 27, 1974, the Corporation shall develop and implement specific criteria intended to minimize the potential environmental implications of projects undertaken by investors abroad in accordance with

any of the programs authorized by this subpart.

(Pub. L. 87-195, pt. I, § 239, as added Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 816, and amended Pub. L. 92-226, pt. I, § 104(b), Feb. 7, 1972, 86 Stat. 22; Pub. L. 92-310, title II, § 227(d), June 6, 1972, 86 Stat. 207; Pub. L. 93-390, § 2(5), Aug. 27, 1974, 88 Stat. 768.)

REFERENCES IN TEXT

Section 2200 of this title, referred to in subsec. (b), was repealed by section 8(b) of Pub. L. 93-559, and is now covered by section 2182a of this title.

The Government Corporation Control Act, referred to in subsec. (c), is act Dec. 6, 1945, ch. 557, 59 Stat. 597, as amended, which is classified generally to chapter 14 (§ 841 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see Short Title note set out under section 841 of Title 31 and Tables volume.

This chapter, referred to in subsec. (g), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1974—Subsec. (b). Pub. L. 93-390, § 2(5)(A), added provisions relating to the cessation on Dec. 31, 1979, of programs operated by the Corporation under sections 2194(b) to (e) and 2200 of this title and transfer by the President of such programs and all obligations, etc., arising out of such programs to other agencies of the United States.

Subsec. (h). Pub. L. 93-390, § 2(5)(B), added subsec. (h).

1972—Subsec. (d). Pub. L. 92-310 eliminated provisions which authorized the Corporation to require bonds of officers and employees and to pay the premiums therefor.

Subsec. (g). Pub. L. 92-226 added subsec. (g).

TERMINATION OF ADVISORY COUNCILS

Advisory Councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a Council established by the President or an officer of the Federal Government, such Council is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a Council established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2200. Repealed. Pub. L. 93-559, § 8(b), Dec. 30, 1974, 88 Stat. 1797

Section, Pub. L. 87-195, pt. I, § 240, as added Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 817, and amended Pub. L. 92-226, pt. I, § 104(c), Feb. 7, 1972, 86 Stat. 22; Pub. L. 93-189, § 6(2), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93-390, § 2(6), Aug. 27, 1974, 88 Stat. 768, provided for agricultural credit and self-help community development projects in Latin America, and is now covered by section 2182a of this title.

§ 2200a. Reports to the Congress

(a) After the end of each fiscal year, the Corporation shall submit to the Congress a complete and detailed report of its operations during such fiscal year.

(b) Omitted.

(Pub. L. 87-195, pt. I, § 240A, as added Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 818, and amended Pub. L. 93-390, § 2(7), Aug. 27, 1974, 88 Stat. 768.)

CODIFICATION

Subsec. (b), which directed the Corporation to submit, no later than Jan. 1, 1976, to the Congress an analysis of the possibilities of transferring all of its activities to private insurance companies, multilateral organizations and institutions, or other entities, was omitted as executed.

AMENDMENTS

1974—Subsec. (b). Pub. L. 93-390 substituted "January 1, 1976" for "March 1, 1974" and "of its activities to private insurance companies, multilateral organizations and institutions, or other entities" for "or part of its activities to private United States citizens, corporations, or other associations".

SUBPART V—DEVELOPMENT RESEARCH

§ 2201. Repealed. Pub. L. 94-161, title III, § 306(1), Dec. 20, 1975, 89 Stat. 858

Section, Pub. L. 87-195, pt. I, § 241, Sept. 4, 1961, 75 Stat. 433; Pub. L. 88-205, pt. I, § 105, Dec. 16, 1963, 77 Stat. 382, provided for general authority of the President respecting development research and use of funds for research into problems of population growth, and is now covered by sections 2151b and 2151d of this title.

SUBPART VI—ALLIANCE FOR PROGRESS

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in section 2361 of this title.

§ 2211. General authority

(a) Recognition of unique relationships among American peoples and Republics; importance of self-help; authorization of assistance

It is the sense of the Congress that the historic, economic, political, and geographic relationships among the American peoples and the Republics are unique and of special significance and that the Alliance for Progress offers great hope for the advancement of the welfare of the peoples of the Americas and the strengthening of the relationships among them. It is further the sense of Congress that vigorous measures by the countries and areas of Latin America to mobilize their own resources for economic development and to adopt reform measures to spread the benefits of economic progress among the people are essential to the success of the Alliance for Progress and to continued significant United States assistance thereunder. The President is authorized to furnish assistance on such terms and conditions as he may determine in order to promote the economic development of countries and areas in Latin America.

(b) Assistance for development of human and economic resources; considerations for furnishing assistance

Assistance furnished under this subpart shall be directed toward the development of human as well as economic resources. In furnishing assistance under this subpart, the President shall take into account (1) the principles of the Act of Bogatá and the Charter of Punta del Este, and in particular the extent to which the recipient country or area is showing a responsiveness to the vital economic, political, and social concerns of its people and demonstrating a clear determination to take effective self-help measures; (2) the economic and technical soundness of the activity to be financed; (3) the consistency of the activity with, and its relationship to, other development activities being undertaken or planned, and its contribution to realizable long-range objectives; (4) the possible effects upon the United States economy, with special reference to areas of substantial labor surplus, of the assistance involved. In making loans under this subpart from funds which are required to be used for loans payable as to principal and interest in United States dollars, the President shall take into account, in addition to the considerations named in the preceding sentence, whether financing could be obtained in whole or in part from other free world sources on reasonable terms (including private sources within the United States), the capacity of the recipient country to repay the loan at a reasonable rate of interest, and the efforts made by recipient nations to repatriate capital invested in other countries by their own citizens; (5) the degree to which the recipient country is making progress toward respect for the rule of law, freedom of expression and of the press, and recognition of the importance of individual freedom, initiative, and private enterprise; (6) the degree to which the recipient country is taking steps to improve its climate for private investment; (7) whether or not the activity to be financed will contribute to the achievement of self-sustaining growth; and (8) the extent to which the activity to be financed will contribute to the economic or political integration of Latin America. The provisions of sections 2161(d), 2162(b), 2162(c), and 2164 of this title shall be applicable to such loans, and they shall be made only upon a finding of reasonable prospects of repayment.

(c) Waiver of loan requirements; transfer of funds

The authority of section 2364(a) of this title may not be used to waive the requirements of this subpart with respect to funds made available for this subpart which are required to be used for loans payable as to principal and interest in United States dollars, and the authority of section 2360 of this title may be used to transfer such funds only to funds made available for subpart I of part II of this subchapter.

(d) Assistance in fostering agrarian reform

In order to carry out the policies of this chapter and the purpose of this subpart the President shall, when requested by a friendly country and when appropriate, assist in fostering measures of agrarian reform, including colonization and redistribution of land, with a view to insuring a wider and more equitable distribution of the ownership of land.

(e) Limitation on the allocation, reservation, earmarking, or committal of funds; exceptions

The President shall not allocate, reserve, earmark, commit, or otherwise set aside, funds aggregating in excess of $100,000 for use in any country under this subpart unless (1) an application for such funds has been received for use in such country together with sufficient information and assurances to indicate reasonably that the funds will be used in an economically and technically sound manner, or (2) the President determines with respect to each such allocation, reservation, earmarking, commitment, or set-aside that it is in the national interest to use such funds pursuant to multilateral plans.

(f) Assistance from departments and agencies to effectuate the efforts of the Commerce Committee for the Alliance for Progress

In furnishing assistance under this subpart, consistently with and for the purposes of section 2351(b)(4) of this title, the agency primarily responsible for administering subchapter I of this chapter or any other departments and agencies designated by the President shall provide such assistance as may be determined by the president to be necessary from time to time in order to make effective the efforts of the Commerce Committee for the Alliance for Progress, established under the Department of Commerce.

(g) Promotion of cooperative movement in Latin America

In order to carry out the policies of this chapter, the President shall, when appropriate, assist in promoting the organization, implementation, and growth of the cooperative movement in Latin America as a fundamental measure toward the strengthening of democratic institutions and practices and economic and social development under the Alliance for Progress.

(h) Loans for social and economic development consistent with findings and recommendations of Inter-American Committee for the Alliance for Progress; availability of additional funds for Latin America

Loans may be made under authority of this subpart only for social and economic development projects and programs which are consistent with the findings and recommendations of the Inter-American Committee for the Alliance for Progress in its annual review of national development activities. Whenever the President determines that the purposes of this subpart would be better served thereby, he may make available, in addition to any other funds available for such purposes, on such terms and conditions as he determines, not to exceed 15 per centum of the funds made available for this subpart to the Inter-American Development Bank, or to any of the institutions named in section 2165 of this title (other than the Asian Development Bank), for use in Latin America pursuant to the laws governing United States participation in the said Bank or in such institutions and the governing statutes thereof and without regard to section 2161 of this title or any other requirements of this chapter or any other Act.

(Pub. L. 87-195, pt. I, § 251, as added Pub. L. 87-565, pt. I, § 106, Aug. 1, 1962, 76 Stat. 257, and amended Pub. L. 88-205, pt. I, § 106(a), Dec. 16, 1963, 77 Stat. 382; Pub. L. 89-583, pt. I, § 105(a), Sept. 19, 1966, 80 Stat. 799; Pub. L. 90-137, pt. I, § 106(a), Nov. 14, 1967, 81 Stat. 451.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (d), (g), and (h), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

Laws governing United States participation in Asian Development Bank, referred to in subsec. (h), refer to the Asian Development Bank Act, Pub. L. 89-369, Mar. 16, 1966, 80 Stat. 71, which is classified principally to subchapter XIV (§ 285 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 285 of this title and Tables volume.

Section 2165 of this title, referred to in subsec. (h), was repealed by Pub. L. 92-226, pt. I, § 101(d), Feb. 7, 1972, 86 Stat. 21, and is now covered by section 2169(d) of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to Part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1967—Subsec. (h). Pub. L. 90-137 made the additional funds unavailable to the Asian Development Bank and restricted the funds to use in Latin America.

1966—Subsec. (b)(5) to (8). Pub. L. 89-583, § 105(a)(1), added clauses (5) to (8).

Subsec. (h). Pub. L. 89-583, § 105(a)(2), added subsec. (h).

1963—Subsec. (b). Pub. L. 88-205, § 106(a)(1), required the President to consider whether financing could be obtained from private sources in the United States, and the capacity of the recipient country to repay the loan at a reasonable rate of interest.

Subsec. (e). Pub. L. 88-205, § 106(a)(2), substituted "economically" for "economical".

Subsec. (f). Pub. L. 88-205, § 106(a)(3), substituted "agency primarily responsible for administering this subchapter" for "Agency for International Development".

Subsec. (g). Pub. L. 88-205, § 106(a)(4), added subsec. (g).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2212 of this title.

§ 2212. Authorization of appropriations

(a) There is authorized to be appropriated to the President for the purposes of this subpart, in addition to other funds available for such purposes for the fiscal year 1972, $295,000,000, and for the fiscal year 1973, $295,000,000, which amounts are authorized to remain available until expended, and which amounts, except for not to exceed $88,500,000 for each such fiscal year, shall be available only for loans payable as to principal and interest in United States dollars. In order to effectuate the purposes and provisions of sections 2151, 2211, 2351, and 2352 of this title, not less than 50 per centum of the loan funds appropriated pursuant to this section for any fiscal year shall be available for loans made to encourage economic development through private enterprise.

(b) There are authorized to be appropriated to the President for the fiscal year 1974, $934,000, and for the fiscal year 1975, $934,000, for grants to the National Association of the Partners of the Alliance, Inc., in accordance with the purposes of this subpart.

(Pub. L. 87-195, pt. I, § 252, as added Pub. L. 87-565, pt. I, § 106, Aug. 1, 1962, 76 Stat. 258, and amended Pub. L. 88-205, pt. I, § 106(b), Dec. 16, 1963, 77 Stat. 383; Pub. L. 88-633, pt. I, § 105, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89-171, pt. I, § 105, Sept. 6, 1965, 79 Stat. 655; Pub. L. 89-583, pt. I, § 105(b), Sept. 19, 1966, 80 Stat. 799; Pub. L. 90-137, pt. I, § 106(b), Nov. 14, 1967, 81 Stat. 451; Pub. L. 90-554, pt. I, § 105, Oct. 8, 1968, 82 Stat. 961; Pub. L. 91-175, pt. I, § 106, Dec. 30, 1969, 83 Stat. 818; Pub. L. 92-226, pt. I, § 105, Feb. 7, 1972, 86 Stat. 23; Pub. L. 93-189, § 7, Dec. 17, 1973, 87 Stat. 718.)

AMENDMENTS

1973—Subsec. (b). Pub. L. 93-189 substituted provisions authorizing the appropriation of $934,000 for fiscal year 1974 and $934,000 for fiscal year 1975 for grants to the National Association of the Partners of the Alliance, Inc., for provisions authorizing the appropriation of $350,000 for fiscal year 1969 for such grants.

1972—Subsec. (a). Pub. L. 92-226 authorized appropriations of $295,000,000, for fiscal years 1972 and 1973, and struck out provision for authorization of $428,250,000 for fiscal years 1970 and 1971; and decreased to $88,500,000 from $90,750,000 the moneys excepted from availability for loans payable as to principal and interest in United States dollars.

1969—Subsec. (a). Pub. L. 91-175 substituted appropriations of $428,250,000 for the fiscal year 1970 and $428,250,000 for the fiscal year 1971, for $420,000,000 for the fiscal year 1969, substituted the sum of $90,750,000 as the amount available from the appropriations in each of the fiscal years 1970 and 1971 for loans payable in United States dollars, for the sum of $90,000,000 available for the same purpose from the appropriations for 1969, and substituted "for any fiscal year" for "the fiscal year ending June 30, 1969".

1968—Subsec. (a). Pub. L. 90-554, § 105(a), substituted "1969, $420,000,000, which is" for "1967, $696,500,000, and for the fiscal year 1968, $578,000,000, which amounts are", "$90,000,000" for "$100,000,000 in each such fiscal year of the funds appropriated pursuant to this section for use beginning in each such fiscal year", and "year ending June 30, 1969" for "years ending June 30, 1967, through June 30, 1968, respectively," respectively.

Subsec. (b). Pub. L. 90-554, § 105(b), authorized an appropriation of $350,000 for fiscal year 1969.

1967—Pub. L. 90-137 designated existing provisions as subsec. (a), eliminated appropriation authorization of $750,000,000 for fiscal year 1969, decreased such authorization from $750,000,000 to $578,000,000 for fiscal year 1968, eliminated requirement that request for authorization for fiscal years 1968 and 1969 be accompanied with presentation of proposed program, and substituted "June 30, 1968" for "June 30, 1969" in the third sentence, and added subsec. (b).

1966—Pub. L. 89-583 authorized an appropriation of $696,500,000 for fiscal year 1967 and of $750,000,000 for each of the fiscal years 1968 and 1969, to remain available until expended, of which $100,000,000 may be available each fiscal year under terms and conditions other than dollar repayable loans, struck out au-

thorization of $600,000,000 for each of the fiscal years 1963, 1965, and 1966 and of $525,000,000 for fiscal year 1964, to remain available until expended, of which $100,000,000, $85,000,000, and $75,000,000 may be available for fiscal years 1963 and 1964, 1965, and 1966, respectively, under terms and conditions other than dollar repayable loans, and substituted "1968 and 1969" for "1964 through 1966" in the second sentence and "June 30, 1967, through June 30, 1969" for "June 30, 1965 and June 30, 1966" in the last sentence.

1965—Pub. L. 89-171 inserted "and $75,000,000 in fiscal year 1966".

1964—Pub. L. 88-633 substituted "in each of the fiscal years 1963 and 1964 and $85,000,000 in fiscal year 1965 of the funds appropriated pursuant to this section for use beginning in each such fiscal year" for "of the funds appropriated pursuant to this section for use beginning in fiscal year 1963 and not to exceed $100,000,000 of the funds appropriated pursuant to this section for use beginning in fiscal year 1964".

1963—Pub. L. 88-205 reduced the authorized appropriation for fiscal year 1964 from "$600,000,000" to "$525,000,000", excepted $100,000,000 of the funds appropriated for fiscal year 1964 from the restriction that they be available only for loans payable in U.S. dollars, and required that not less than 50 percent of loan funds appropriated for fiscal years ending in 1965 and 1966, shall be available for loans to encourage development through private enterprise.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2171 of this title.

§ 2213. Receipts from loans to be available for use as loans

All receipts in United States dollars from loans made under this subpart and from loans made for the benefit of countries and areas of Latin America under subpart I of part II of this subchapter, notwithstanding section 2163 of this title, shall be available for use for loans payable as to principal and interest in United States dollars in furtherance of the purposes of this subpart. All receipts in foreign currencies from loans made under this subpart or for nonmilitary assistance purposes under the Mutual Security Act of 1954, as amended, or any Act repealed thereby, shall be available, in addition to other funds available for such purposes, for loans on such terms and conditions as the President may specify to carry out the purposes of subsection (g) of section 2211 of this title, and the President may, notwithstanding the provisions of this chapter or any other Act, reserve such currencies in such amounts (not to exceed $25,000,000) as he shall determine to be necessary to provide for the programs authorized by said subsection (g). Such receipts and other funds made available under this subpart for use for the purposes of this subpart shall remain available until expended.

(Pub. L. 87-195, pt. I, § 253, as added Pub. L. 87-565, pt. I, § 106, Aug. 1, 1962, 76 Stat. 258, and amended Pub. L. 88-205, pt. I, § 106(c), Dec. 16, 1963, 77 Stat. 383.)

REFERENCES IN TEXT

Section 2163 of this title, referred to in text, was repealed by Pub. L. 93-189, § 3(b), Dec. 17, 1973, 87 Stat. 717.

The Mutual Security Act of 1954, referred to in text, is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, 71 Stat. 355; June 30, 1958, Pub. L. 85-477, ch. 1, §§ 101 to 103, ch. II, §§ 201 to 205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86-108, § 2, ch. 1, § 101, ch. II, §§ 201 to 205(a) to (l), (k) to (n), ch. III, § 301, ch. IV, § 401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86-472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85-141, §§ 2(e) 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86-108, ch. II, §§ 205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86-472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94-329, title II, § 212(b)(1), June 30, 1976, 90 Stat. 745, except for sections 1754, 1783, 1796, 1853, 1922, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables volume.

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1963—Pub. L. 88-205 inserted provisions making receipts in foreign currencies from loans under this subpart, or under the Mutual Security Act of 1954, or any Act repealed thereby, available for loans to carry out section 2211(g) of this title, and authorized the President to reserve such currencies, not exceeding $25,000,000, as necessary for the programs authorized by such subsec. (g).

SUBPART VII—EVALUATION OF PROGRAMS

§ 2216. Appointment of committee; report to President and to Congress

The President may appoint a committee to review and evaluate the economic development program under this chapter, and to report to the President and to the Congress its findings.

(Pub. L. 87-195, pt. I, § 261, as added Pub. L. 88-205, pt. I, § 107, Dec. 16, 1963, 77 Stat. 383.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

SUBPART VIII—SOUTHEAST ASIA MULTILATERAL AND REGIONAL PROGRAMS

§ 2217. General provisions

The acceleration of social and economic progress in southeast Asia is important to the achievement of the United States foreign policy objectives of peace and stability in that area. It is the sense of Congress that this objective would be served by an expanded effort by the countries of southeast Asia and other interested countries in cooperative programs for social and economic development of the region, employing both multilateral and bilateral channels of assistance.

(Pub. L. 87-195, pt. I, § 271, as added Pub. L. 89-583, pt. I, § 106, Sept. 19, 1966, 80 Stat. 799.)

§ 2217a. Special provisions

In providing assistance to further the purposes of this subpart the President shall take into account:

(1) initiatives in the field of social and economic development by Asian peoples and institutions;

(2) regional economic cooperation and integration in southeast Asia;

(3) the extent of participation by other potential donor countries;

(4) the degree of peaceful cooperation among the countries of southeast Asia toward the solution of common problems; and

(5) the ability of multilateral institutions or other administering authorities to carry out projects and programs effectively, efficiently, and economically.

(Pub. L. 87-195, pt. I, § 272, as added Pub. L. 89-583, pt. I, § 106, Sept. 19, 1966, 80 Stat. 800.)

§ 2217b. Repealed. Pub. L. 90-137, pt. I, § 107, Nov. 14, 1967, 81 Stat. 452

Section, Pub. L. 87-195, pt. I, § 273, as added Pub. L. 89-583, pt. I, § 106, Sept. 19, 1966, 80 Stat. 800, prescribed a $10,000,000 limitation on use of funds for promotion of social and economic development and stability in southeast Asia.

SUBPART IX—UTILIZATION OF DEMOCRATIC INSTITUTIONS IN DEVELOPMENT

§ 2218. Utilization of democratic institutions in development

(a) Popular participation through encouragement of democratic institutions

In carrying out programs authorized in this part, emphasis shall be placed on assuring maximum participation in the task of economic development on the part of the people of the developing countries, through the encouragement of democratic private and local governmental institutions.

(b) Human and intellectual resources; self-government through civic education and training in requisite skills

In order to carry out the purposes of this section programs under this part shall—

(1) recognize the differing needs, desires, and capacities of the people of the respective developing countries and areas;

(2) use the intellectual resources of such countries and areas in conjunction with assistance provided under this chapter so as to encourage the development of indigenous institutions that meet their particular requirements for sustained economic and social progress; and

(3) support civic education and training in skills required for effective participation in governmental and political processes essential to self-government.

(c) Political, social, and related obstacles to development; democratic social and political trends

In the allocation of funds for research under this part, emphasis shall be given to research designed to examine the political, social, and related obstacles to development in countries receiving assistance under subchapter I of this chapter. In particular, emphasis should be given to research designed to increase understanding of the ways in which development assistance can support democratic social and political trends in recipient countries.

(d) Implementation of objectives through application of experience gained from program evaluation

Emphasis shall also be given to the evaluation of relevant past and current programs under subchapter I of this chapter and to applying this experience so as to strengthen their effectiveness in implementing the objectives of this section.

(e) Inservice training programs

In order to carry out the purposes of this section. the agency primarily responsible for administering subchapter I of this chapter shall develop systematic programs of inservice training to familiarize its personnel with the objectives of this section and to increase their knowledge of the political and social aspects of development. In addition to other funds available for such purposes, not to exceed 1 per centum of the funds authorized to be appropriated for grant assistance under this part may be used for carrying out the objectives of this subsection.

(Pub. L. 87-195, pt. I, § 281, as added Pub. L. 89-583, pt. I, § 106, Sept. 19, 1966, 80 Stat. 800, and amended Pub. L. 90-137, pt. I, § 108, Nov. 14, 1967, 81 Stat. 452; Pub. L. 90-554, pt. I, § 106, Oct. 8, 1968, 82 Stat. 961.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(2), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1968—Subsec. (c). Pub. L. 90-554, § 106(a) emphasized research designed to increase understanding of ways in which development assistance can support democratic social and political trends in recipient countries.

Subsec. (e). Pub. L. 90-554, § 106(b), added subsec. (e).

1967—Subsec. (a). Pub. L. 90-137 designated existing provisions as subsec. (a).

Subsecs. (b) to (d). Pub. L. 90-137 added subsecs. (b) to (d).

SUBPART X—PROGRAMS RELATING TO POPULATION GROWTH AND FAMILY PLANNING

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 2151f, 2151m of this title.

§ 2219. General provisions

(a) Statement of policy

It is the sense of the Congress that, while every nation is and should be free to determine its own policies and procedures with respect to problems of population growth and family

planning within its own boundaries, nevertheless, voluntary family planning programs to provide individual couples with the knowledge and medical facilities to plan their family size in accordance with their own moral convictions and the latest medical information, can make a substantial contribution to improve health, family stability, greater individual opportunity, economic development, a sufficiency of food, and a higher standard of living.

(b) Family-planning assistance

To carry out the intent of Congress as expressed in subsection (a) of this section, the President is authorized to provide assistance for programs relating to population growth in friendly foreign countries and areas, on such terms and conditions as he shall determine, to foreign governments, the United Nations, its specialized agencies, and other international organizations and programs, United States and foreign nonprofit organizations, universities, hospitals, accredited health institutions, and voluntary health or other qualified organizations.

(c) Methods of family planning; individual freedom

In carrying out programs authorized in this subpart, the President shall establish reasonable procedures to insure, whenever family-planning assistance from the United States is involved, that no individual will be coerced to practice methods of family planning inconsistent with his or her moral, philosophical, or religious beliefs.

(d) Programs relating to population growth defined

As used in this subpart, the term "programs relating to population growth" includes but is not limited to demographic studies, medical, psychological, and sociological research and voluntary family planning programs, including personnel training, the construction and staffing of clinics and rural health centers, specialized training of doctors and paramedical personnel, the manufacture of medical supplies, and the dissemination of family-planning information, and provision of medical assistance and supplies.

(Pub. L. 87-195, pt. I, § 291, as added Pub. L. 90-137, pt. I, § 109, Nov. 14, 1967, 81 Stat. 452.)

§ 2219a. Availability of funds on loan or grant basis

Of the funds provided to carry out the provisions of subchapter I of this chapter for the fiscal year 1974, $125,000,000, and for the fiscal year 1975, $150,000,000 shall be available in each such fiscal year only to carry out the purposes of this subpart, and, notwithstanding any other provisions of this chapter, funds used for such purposes may be used on a loan or grant basis.

(Pub. L. 87-195, pt. I, § 292, as added Pub. L. 90-137, pt. I, § 109, Nov. 14, 1967, 81 Stat. 453, and amended Pub. L. 90-554, pt. I, § 107, Oct. 8, 1968, 82 Stat. 962; Pub. L. 91-175, pt. I, § 107, Dec. 30, 1969, 83 Stat. 818; Pub. L. 92-226, pt. I, § 106, Feb. 7, 1972, 86 Stat. 23; Pub. L. 93-189, § 8, Dec. 17, 1973, 87 Stat. 718; Pub. L. 93-559, § 4(2), Dec. 30, 1974, 88 Stat. 1795.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1974—Pub. L. 93-559 substituted $150,000,000 for $130,000,000.

1973—Pub. L. 93-189 substituted "for the fiscal year 1974, $125,000,000, and for the fiscal year 1975, $130,000,000", for "for each of the fiscal years 1972 and 1973, $125,000,000".

1972—Pub. L. 92-226 made $125,000,000 available for fiscal years 1972 and 1973, and struck out provision making available $75,000,000 and $100,000,000 for fiscal years 1970 and 1971.

1969—Pub. L. 91-175 substituted "fiscal year 1970, $75,000,000, and for the fiscal year 1971, $100,000,000," for "fiscal year 1969, $50,000,000".

1968—Pub. L. 90-554 made $50,000,000 available for fiscal year 1969.

SUBPART XI—FOOD PRODUCTION TARGETS AND REPORTS

§ 2220. Food production targets and reports

In making his recommendations to the Congress for programs for the fiscal year 1969 and each fiscal year thereafter, wherever appropriate, the President shall, for each country receiving assistance under this chapter which he finds has a substantial food deficit, include—

(1) descriptions of proposed programs, if any, in the areas of food production, storage, and distribution, and voluntary family planning;

(2) information on achievement targets in food production, storage, and distribution, and their relationship to expected changes in total population; and

(3) a detailed report on progress with respect to food production, storage, and distribution, and the relationship of this progress to population.

(Pub. L. 87-195, pt. I, § 295, as added Pub. L. 90-137, pt. I, § 109, Nov. 14, 1967, 81 Stat. 453.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

COOPERATION WITH OTHER COUNTRIES IN ALLEVIATING WORLD FOOD SHORTAGE; EMERGENCY AND HUMANITARIAN REQUIREMENTS

Pub. L. 93-189, § 39, Dec. 17, 1973, 87 Stat. 735, provided that:

"(a) It is the sense of the Congress that the United States should participate fully in efforts to alleviate current and future food shortages which threaten the world. To this end, the President shall—

"(1) encourage, support, and expedite, studies relating to the long-range implications of the world food situation (including studies of national and world production, distribution, and utilization of agricultural commodities and other foodstuffs) and support the organizing of a world food conference under United Nations auspices in 1974;

"(2) request the member nations of the General Agreement on Tariffs and Trade to explore the means for assuring equitable access by all nations to national markets and mineral and agricultural resources;

"(3) consult and cooperate with appropriate international agencies, such as the Food and Agriculture Organization of the United Nations, in determining the need for, the feasibility of, and cost on an equitably-shared basis of, establishing an international system of strategic food reserves; and

"(4) report his findings and recommendations to the Congress on the implementation of this section no later than December 31, 1974.

"(b) It is further the sense of the Congress that—

"(1) in making assessments which would affect or relate to the level of domestic production, the Executive Branch should include in the estimates of overall utilization the expected demands for humanitarian food assistance through such programs as are carried out under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) [section 1691 et seq. of Title 7, Agriculture]; and

"(2) legislation providing increased flexibility for responding to emergency and humanitarian requirements for food assistance should be considered as promptly as possible to the end that the last sentence of section 401 of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) [section 1731 of title 7], may be amended by striking the period and inserting in lieu thereof a comma and the following: 'unless the Secretary determines that some part of the exportable supply should be used to carry out the national interest and humanitarian objectives of this Act [see Short Title of 1973 Amendment note set out under section 2151 of this title]'."

SUBPART XII—FAMINE PREVENTION AND FREEDOM FROM HUNGER

§ 2220a. General provisions

(a) Congressional objectives and findings

The Congress declares that, in order to prevent famine and establish freedom from hunger, the United States should strengthen the capacities of the United States land-grant and other eligible universities in program-related agricultural institutional development and research, consistent with sections 2151a and 2151a-1 of this title, should improve their participation in the United States Government's international efforts to apply more effective agricultural sciences to the goal of increasing world food production, and in general should provide increased and longer term support to the application of science to solving food and nutrition problems of the developing countries.

The Congress so declares because it finds—

(1) that the establishment, endowment, and continuing support of land-grant universities in the United States by Federal, State, and county governments has led to agricultural progress in this country;

(2) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with foreign agricultural institutions in expanding indigenous food production for both domestic and international markets;

(3) that, in a world of growing population with rising expectations, increased food production and improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger but to build the economic base for growth, and moreover, that the greatest potential for increasing world food supplies is in the developing countries where the gap between food need and food supply is the greatest and current yields are lowest;

(4) that increasing and making more secure the supply of food is of greatest benefit to the poorest majority in the developing world;

(5) that research, teaching, and extension activities, and appropriate institutional development therefor are prime factors in increasing agricultural production abroad (as well as in the United States) and in improving food distribution, storage, and marketing;

(6) moreover, that agricultural research abroad has in the past and will continue in the future to provide benefits for agriculture in the United States and that increasing the availability of food of higher nutritional quality is of benefit to all; and

(7) that universities need a dependable source of Federal funding, as well as other financing, in order to expand, or in some cases to continue, their efforts to assist in increasing agricultural production in developing countries.

(b) Congressional objectives and declaration for collation of components to increase world food production

Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, various components must be brought together in order to increase world food production, including—

(1) strengthening the capabilities of universities to assist in increasing agricultural production in developing countries;

(2) institution-building programs for development of national and regional agricultural research and extension capacities in developing countries which need assistance;

(3) international agricultural research centers;

(4) contract research; and

(5) research program grants.

(c) University involvement, participation, and cooperation

The United States should—

(1) effectively involve the United States land-grant and other eligible universities more extensively in each component;

(2) provide mechanisms for the universities to participate and advise in the planning, development, implementation, and administration of each component; and

(3) assist such universities in cooperative joint efforts with—

(A) agricultural institutions in developing nations, and

(B) regional and international agricultural research centers,

directed to strengthening their joint and respective capabilities and to engage them more effectively in research, teaching, and extension activities for solving problems in food production, distribution, storage, marketing, and consumption in agriculturally underdeveloped nations.

(d) Universities

As used in this subpart, the term "universities" means those colleges or universities in each State, territory, or possession of the United States, or the District of Columbia, now receiving, or which may hereafter receive, benefits under the Act of July 2, 1862 (known as the First Morrill Act) [7 U.S.C. 301 et seq.], or the Act of August 30, 1890 (known as the Second Morrill Act) [7 U.S.C. 321 et seq.], which are commonly known as "land-grant" universities; institutions now designated or which may hereafter be designated as sea-grant colleges under the Act of October 15, 1966 (known as the National Sea Grant College and Program Act) [33 U.S.C. 1121 et seq.], which are commonly known as sea-grant colleges; and other United States colleges and universities which—

(1) have demonstrable capacity in teaching, research, and extension activities in the agricultural sciences; and

(2) can contribute effectively to the attainment of the objectives of this subpart.

(e) Administrator

As used in this subpart, the term "Administrator" means the Administrator of the Agency for International Development.

(f) Agriculture

As used in this subpart, the term "agriculture" shall be considered to include aquaculture and fisheries.

(g) Farmers

As used in this subpart, the term "farmers" shall be considered to include fishermen and other persons employed in cultivating and harvesting food resources from salt and fresh waters.

(Pub. L. 87-195, pt. I, § 296, as added Pub. L. 94-161, title III, § 312, Dec. 20, 1975, 89 Stat. 861.)

REFERENCES IN TEXT

The First Morrill Act and the Second Morrill Act, referred to in subsec. (d), refer to acts July 2, 1862, ch. 130, 12 Stat. 503, and Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, which are classified generally to subchapters I (§ 301 et seq.) and II (§ 321 et seq.), respectively, of chapter 13 of Title 7, Agriculture. For complete classification of these Acts to the Code, see Tables volume.

The National Sea Grant College and Program Act, referred to in subsec. (d), is Pub. L. 89-454, title II, as added Pub. L. 89-688, § 1, Oct. 15, 1966, 80 Stat. 998, which is classified generally to subchapter II (§ 1121 et seq.) of chapter 22 of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1121 of Title 33 and Tables volume.

SETTLEMENT OF DEBT OWED THE UNITED STATES

Section 321 of Pub. L. 94-161 provided that: "No debt owed to the United States by any foreign country with respect to the payment of any loan made under any program funded under this Act [see Short Title of 1975 Amendment note under section 2151 of this title] may be settled in an amount less than the full amount of such debt unless the Congress by concurrent resolution approves of such settlement."

§ 2220b. General authority

(a) Programs and activities affecting universities, agriculturally developing countries, and research

To carry out the purposes of this subpart, the President is authorized to provide assistance on such terms and conditions as he shall determine—

(1) to strengthen the capabilities of universities in teaching, research, and extension work to enable them to implement current programs authorized by paragraphs (2), (3), (4), and (5) of this subsection, and those proposed in the report required by section 2220e of this title;

(2) to build and strengthen the institutional capacity and human resource skills of agriculturally developing countries so that these countries may participate more fully in the international agricultural problem-solving effort and to introduce and adapt new solutions to local circumstances;

(3) to provide program support for long-term collaborative university research on food production, distribution, storage, marketing, and consumption;

(4) to involve universities more fully in the international network of agricultural science, including the international research centers, the activities of international organizations such as the United Nations Development Program and the Food and Agriculture Organization, and the institutions of agriculturally developing nations; and

(5) to provide program support for international agricultural research centers, to provide support for research projects identified for specific problem-solving needs, and to develop and strengthen national research systems in the developing countries.

(b) Programs and activities respecting university capabilities, benefiting domestic and nondomestic agriculture, and based on existing programs and institutions

Programs under this subpart shall be carried out so as to—

(1) utilize and strengthen the capabilities of universities in—

(A) developing capacity in the cooperating nation for classroom teaching in agriculture, plant and animal sciences, human nutrition, and vocational and domestic arts and other relevant fields appropriate to local needs;

(B) agricultural research to be conducted in the cooperating nations, at international agricultural research centers, or in the United States;

(C) the planning, initiation, and development of extension services through which information concerning agriculture and related subjects will be made available directly to farmers and farm families in the agriculturally developing nations by means of education and demonstration; or

(D) the exchange of educators, scientists, and students for the purpose of assisting in successful development in the cooperating nations;

(2) take into account the value to United States agriculture of such programs, integrating to the extent practicable the programs and financing authorized under this subpart with those supported by other Federal or State resources so as to maximize the contribution to the development of agriculture in the United States and in agriculturally developing nations; and

(3) whenever practicable, build on existing programs and institutions including those of the universities and the United States Department of Agriculture and the United States Department of Commerce.

(c) Activity objectives

To the maximum extent practicable, activities under this section shall (1) be designed to achieve the most effective interrelationship among the teaching of agricultural sciences, research, and extension work, (2) focus primarily on the needs of agricultural producers, (3) be adapted to local circumstances, and (4) be carried out within the developing countries.

(d) Function of Administrator

The President shall exercise his authority under this section through the Administrator.

(Pub. L. 87–195, pt. I, § 297, as added Pub. L. 94–161, title III, § 312, Dec. 20, 1975, 89 Stat. 863.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2220c of this title.

§ 2220c. Board for International Food and Agricultural Development

(a) Establishment; terms and expenses of members

To assist in the administration of the programs authorized by this subpart, the President shall establish a permanent Board for International Food and Agricultural Development (hereafter in this subpart referred to as the "Board") consisting of seven members, not less than four to be selected from the universities. Terms of members shall be set by the President at the time of appointment. Members of the Board shall be entitled to such reimbursement for expenses incurred in the performance of their duties (including per diem in lieu of subsistence while away from their homes or regular place of business) as the President deems appropriate.

(b) General areas of responsibility

The Board's general areas of responsibility shall include, but not be limited to—

(1) participating in the planning, development, and implementation of,

(2) initiating recommendations for, and

(3) monitoring of,

the activities described in section 2220b of this title.

(c) Specific, but not exclusive, duties

The Board's duties shall include, but not necessarily be limited to—

(1) participating in the formulation of basic policy, procedures, and criteria for project proposal review, selection, and monitoring;

(2) developing and keeping current a roster of universities—

(A) interested in exploring their potential for collaborative relationships with agricultural institutions, and with scientists working on significant programs designed to increase food production in developing countries,

(B) having capacity in the agricultural sciences,

(C) able to maintain an appropriate balance of teaching, research, and extension functions,

(D) having capacity, experience, and commitment with respect to international agricultural efforts, and

(E) able to contribute to solving the problems addressed by this subpart;

(3) recommending which developing nation could benefit from programs carried out under this subpart, and identifying those nations which have an interest in establishing or developing agricultural institutions which engage in teaching, research, or extension activities;

(4) reviewing and evaluating memorandums of understanding or other documents that detail the terms and conditions between the Administrator and universities participating in programs under this subpart;

(5) reviewing and evaluating agreements and activities authorized by this subpart and undertaken by universities to assure compliance with the purposes of this subpart;

(6) recommending to the Administrator the apportionment of funds under section 2220b of this title; and

(7) assessing the impact of programs carried out under this subpart in solving agricultural problems in the developing nations.

(d) Subordinate units; creation of Joint Research Committee, Joint Committee on Country Programs, and other units

The President may authorize the Board to create such subordinate units as may be necessary for the performance of its duties, including but not limited to the following:

(1) a Joint Research Committee to participate in the administration and development of the collaborative activities described in section 2220b(a)(3) of this title; and

(2) a Joint Committee on Country Programs which shall assist in the implementation of the bilateral activities described in sections 2220b(a)(2), 2220b(a)(4), and 2220b(a)(5) of this title.

(e) Consultations in preparation of annual report and on agricultural development activities

In addition to any other functions assigned to and agreed to by the Board, the Board shall be consulted in the preparation of the annual report required by section 2220e of this title and on other agricultural development activities related to programs under this subpart.

(Pub. L. 87–195, pt. I, § 298, as added Pub. L. 94–161, title III, § 312, Dec. 20, 1975, 89 Stat. 864.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2220e of this title.

§ 2220d. Funds for programs and activities

(a) Funds available under section 2151a of this title unaffected by other provisions

The President is authorized to use any of the funds hereafter made available under section 2151a of this title to carry out the purposes of this subpart. Funds made available for such purposes may be used without regard to the provisions of sections 2151h(b), 2171(a), and 2171(d) of this title.

(b) Foreign currencies

Foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States shall be used to the maximum extent possible in lieu of dollars in carrying out the provisions of this subpart.

(c) Other authorizations

Assistance authorized under this subpart shall be in addition to any allotments or grants that may be made under other authorizations.

(d) Disclosure of funds to Administrator; annual report

Universities may accept and expend funds from other sources, public and private, in order to carry out the purposes of this subpart. All such funds, both prospective and inhand, shall be periodically disclosed to the Administrator as he shall by regulation require, but no less often than in an annual report.

(Pub. L. 87-195, pt. I, § 299, as added Pub. L. 94-161, title III, § 312, Dec. 20, 1975, 89 Stat. 865.)

§ 2220e. Presidential report to Congress

The President shall transmit to the Congress, not later than April 1 of each year, a report detailing the activities carried out pursuant to this subpart during the preceding fiscal year and containing a projection of programs and activities to be conducted during the subsequent five fiscal years. Each report shall contain a summary of the activities of the Board established pursuant to section 2220c of this title and may include the separate views of the Board with respect to any aspect of the programs conducted or proposed to be conducted under this subpart.

(Pub. L. 87-195, pt. I, § 300, as added Pub. L. 94-161, title III, § 312, Dec. 20, 1975, 89 Stat. 866.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2220b, 2220c of this title.

PART III—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

§ 2221. General authority

(a) Voluntary contributions; grants and loans in case of the Indus Basin Development Fund

When he determines it to be in national interest, the President is authorized to make voluntary contributions on a grant basis to international organizations and to programs administered by such organizations and in the case of the Indus Basin Development Fund administered by the International Bank for Reconstruction and Development to make grants and loans payable as to principal and interest in United Stated dollars and subject to the provisions of section 2161(d) of this title, on such terms and conditions as he may determine, in order to further the purposes of subchapter I of this chapter.

(b) Limitation on contributions to United Nations Development Program; restriction on assistance to Cuba

Contributions to the United Nations Development Program for the calendar year succeeding 1961 may not exceed forty per centum of the total amount contributed for such purpose (including assessed and audited local costs) for each such year. The President shall seek to assure that no contribution to the United Nations Development Program authorized by this chapter shall be used for projects for economic or technical assistance to the Government of Cuba, so long as Cuba is governed by the Castro regime.

(c) Palestine refugees; considerations and conditions for furnishing assistance

No contributions by the United States shall be made to the United Nations Relief and Works Agency for Palestine Refugees in the Near East except on the condition that the United Nations Relief and Works Agency take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army or any other guerrilla type organization or who has engaged in any act of terrorism.

(d) Audit of funds

In any case in which a fund established solely by United States contributions under this chapter or any other Act is administered by an international organization under the terms of an agreement between the United States and such international organization, such agreement shall provide that the Comptroller General of the United States shall conduct such audits as are necessary to assure that such fund is administered in accordance with such agreement. The President shall undertake to modify any existing agreement entered into before November 14, 1967, to conform to the requirements of the preceding sentence.

(e) Evaluation of United Nations and its affiliated organizations; International Bank for Reconstruction and Development; Asian Development Bank; transmittal of reports

(1) In the case of the United Nations and its affiliated organizations, including the International Atomic Energy Agency, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations a single professionally qualified group of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, and evaluation of the programs and activities of such organizations. Such proposal shall provide that such group shall be established in accordance with such terms of reference as such governing authority may prescribe and that the reports of such group on each examination, review, and evaluation shall

be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation group.

(2) In the case of the International Bank for Reconstruction and Development and the Asian Development Bank, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations professionally qualified groups of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, and evaluation of the programs and activities of such organizations. Such proposal shall provide that such groups shall be established in accordance with such terms of reference as such governing authorities may prescribe, and that the reports of such groups on each examination, review, and evaluation shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation groups.

(3) Reports received by the United States representatives to these international organizations under this subsection and related information on actions taken as a result of recommendations made therein shall be submitted promptly to the President for transmittal to the Congress and to the Comptroller General. The Comptroller General shall periodically review such reports and related information and shall report simultaneously to the Congress and to the President any suggestions the Comptroller General may deem appropriate concerning auditing and reporting standards followed by such groups, the recommendations made and actions taken as a result of such recommendations.

(f) International Fertilizer Development Center; United States participation and assistance

The President is hereby authorized to permit United States participation in the International Fertilizer Development Center and is authorized to use any of the funds made available under this part for the purpose of furnishing assistance to the Center on such terms and conditions as he may determine.

(Pub. L. 87-195, pt. I, § 301, Sept. 4, 1961, 75 Stat. 433; Pub. L. 89-171, pt. I, § 106 (a), Sept. 6, 1965, 79 Stat. 656; Pub. L. 89-583, pt. I, § 107(a)-(c), Sept. 19, 1966, 80 Stat. 800; Pub. L. 90-137, pt. I, § 110(a), Nov. 14, 1967, 81 Stat. 453; Pub. L. 91-175, pt. I, § 108(a), Dec. 30, 1969, 83 Stat. 819; Pub. L. 93-189, § 9(1), Dec. 17, 1973, 87 Stat. 718; Pub. L. 94-161, title III, § 313(c), Dec. 20, 1975, 89 Stat. 866.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b) and (d), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1975—Subsec. (f). Pub. L. 94-161 added subsec. (f).

1973—Subsec. (e). Pub. L. 93-189 added subsec. (e).

1969—Subsec. (c). Pub. L. 91-175 omitted provisions dealing with Israel and Arab governments taking steps toward repatriation of refugees and the extent and success of the United Nations and Arab governments to rectify refugees relief rolls, as criteria for the President to use in determining whether to furnish assistance for such refugees through contributions to the United Nations, omitted provisions dealing with amount of contribution for the fiscal year 1967, and expanded prohibition against the inclusion of members of other guerrilla type organizations or refugees engaged in any act of terrorism.

1967—Subsec. (d). Pub. L. 90-137 added subsec. (d).

1966—Subsec. (a). Pub. L. 89-583, § 107(a), authorized in the case of the Indust Basin Development Executive grants and loans payable as to principal and interest in United States dollars and subject to the provisions of section 2161(d) of this title.

Subsec. (b). Pub. L. 89-583, § 107(b), substituted "United Nations Development Program" for "United Nations Expanded Program of Technical Assistance and the United States Special Fund" and restricted economic or technical assistance to Cuba.

Subsec. (c). Pub. L. 89-583, § 107(c), substituted provisions limiting contributions by the United States for fiscal year 1967 to $13,300,000, for provisions limiting contributions for calendar year 1966 to $15,200,000 and prohibited the making of contributions assisting any refugee who is receiving military training as a member of the Palestine Liberation Army.

1965—Subsec. (c). Pub. L. 89-171 limited contributions by the United States to the United Nations Relief and Works Agency for Palestine Refugees in the Near East to $15,200,000 for the calendar year 1966.

USE OF CONTRIBUTIONS FOR PROJECTS IN CUBA

Pub. L. 91-194, title I, § 100, Feb. 9, 1970, 84 Stat. 5, provided in part: "That the President shall seek to assure that no contribution to the United Nations Development Program authorized by the Foreign Assistance Act of 1961, as amended [section 2151 et seq. of this title], shall be used for projects for economic or technical assistance to the Government of Cuba, so long as Cuba is governed by the Castro regime."

Similar provisions were contained in Pub. L. 89-691, title I, § 101, Oct. 15, 1966, 80 Stat. 1018; Pub. L. 90-249, title I, § 100, Jan. 2, 1968, 81 Stat. 936; Pub. L. 90-581, title I, § 100, Oct. 17, 1968, 82 Stat. 1137.

§ 2222. Authorization of appropriations

(a) Grants

(1) There is authorized to be appropriated to the President for grants to carry out the purposes of this part, in addition to funds available

under any other Act for such purposes, for the fiscal year 1974, $127,822,000, and for the fiscal year 1975, $165,000,000, and for the fiscal year 1976, $194,500,000 and for the fiscal year 1977, $219,900,000. Of such amounts, not to exceed $250,000 during the fiscal year 1976 shall be available for contribution to the Namibia Institute.

(2) The Congress reaffirms its support for the work of the Inter-American Commission on Human Rights. To permit such Commission to better fulfill its function of insuring observance and respect for human rights within this hemisphere, not less than $357,000 of the amount appropriated for fiscal year 1976 and $358,000 of the amount appropriated for fiscal year 1977, for contributions to the Organization of American States, shall be used only for budgetary support for the Inter-American Commission on Human Rights.

(b) Indus Basin Development

(1) There is authorized to be appropriated to the President for loans for Indus Basin Development to carry out the purposes of this section, in addition to funds available under this chapter or any other Act for such purposes, for use beginning in the fiscal year 1969, $61,220,000. Such amounts are authorized to remain available until expended.

(2) There is authorized to be appropriated to the President for grants for Indus Basin Development, in addition to any other funds available for such purposes, for use in the fiscal year 1974, $14,500,000, and for use in the fiscal year 1975, $14,500,000, and for use beginning in the fiscal year 1976, $27,000,000, which amounts shall remain available until expended. The President shall not exercise any special authority granted to him under section 2360(a) or 2364(a) of this title to transfer any amount appropriated under this paragraph to, and to consolidate such amount with, any funds made available under any other provision of this chapter.

(c) Prohibition against contributions for volunteer manpower programs

None of the funds available to carry out this part shall be contributed to any international organization or to any foreign government or agency thereof to pay the costs of developing or operating any volunteer program of such organization, government, or agency relating to the selection, training, and programing of volunteer manpower.

(d) United Nations Children's Fund

Of the funds made available to carry out this part for each of the fiscal years 1976 and 1977, $20,000,000 shall be available in each such fiscal year only for contributions to the United Nations Children's Fund.

(e) Arab refugees technical and vocational training; contribution to United Nations Relief and Works Agency

There is authorized to be appropriated $2,000,000 for the fiscal year 1974, and $2,000,000 for the fiscal year 1975, to provide added contribution to the United Nations Relief and Works Agency for expansion of technical and vocational training of Arab refugees.

(f) Additional amounts in Egyptian pounds owned by United States

There are authorized to be appropriated to the President, in addition to other amounts available for such purposes, $1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973, in Egyptian pounds owned by the United States and determined by the President to be excess to the requirements of departments and agencies of the United States, for the purpose of providing technical and vocational training and other assistance to Arab refugees. Amounts appropriated under this subsection are authorized to remain available until expended.

(g) International Atomic Energy Agency; report to Congress

Of the funds made available to carry out this part for fiscal year 1975, in addition to any other such funds to be made available for contributions to the International Atomic Energy Agency, not less than $500,000 shall be made available to such Agency as technical assistance in kind. However, a reasonable amount of funds authorized under this section shall be made available in fiscal year 1975 to strengthen international procedures which are designed to prevent the unauthorized dissemination or use of nuclear materials. The President shall report to the Congress not later than July 1, 1975, concerning actions taken by the United States to strengthen the procedures described under the preceding sentence.

(h) United Nations Educational, Scientific, and Cultural Organization; certification to Congress

Congress directs that no funds should be obligated or expended, directly or indirectly, to support the United Nations Educational, Scientific, and Cultural Organization until the President certifies to the Congress that such Organization (1) has adopted policies which are fully consistent with its educational, scientific, and cultural objectives, and (2) has taken concrete steps to correct its recent actions of a primarily political character.

(i) International Atomic Energy Agency; safeguards and inspections of nuclear fissile facilities and materials

In addition to amounts otherwise available under this section, there are authorized to be appropriated for fiscal year 1976 $1,000,000 and for fiscal year 1977 $2,000,000 to be available only for the International Atomic Energy Agency to be used for the purpose of strengthening safeguards and inspections relating to nuclear fissile facilities and materials. Amounts appropriated under this subsection are authorized to remain available until expended.

(Pub. L. 87-195, pt. I, § 302, Sept. 4, 1961, 75 Stat. 433; Pub. L. 87-565, pt. I, § 107, Aug. 1, 1962, 76 Stat. 259; Pub. L. 88-205, pt. I, § 108, Dec. 16, 1963, 77 Stat. 383; Pub. L. 88-633, pt. I, § 106, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89-171, pt. I, § 106(b), Sept. 6, 1965, 79 Stat. 656; Pub. L. 89-583, pt. I, § 107(d), Sept. 19, 1966, 80 Stat. 801; Pub. L. 90-137, pt. I, § 110(b), Nov. 14, 1967, 81 Stat. 454; Pub. L. 90-554, pt. I, § 108, Oct. 8, 1968, 82 Stat. 962; Pub. L. 91-175, pt. I, § 108(b)-(d), Dec. 30, 1969, 83 Stat. 819; Pub. L. 92-226, pt. I, § 107, Feb. 7, 1972, 86 Stat. 23; Pub. L. 93-

189, § 9(2)-(5), Dec. 17, 1973, 87 Stat. 719; Pub. L. 93-559, § 9, Dec. 30, 1974, 88 Stat. 1798; Pub. L. 94-161, title III, § 313(a), Dec. 20, 1975, 89 Stat. 866; Pub. L. 94-329, title V, § 505, June 30, 1976, 90 Stat. 764.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1976—Subsec. (i). Pub. L. 94-329 added subsec. (i).

1975—Subsec. (a)(1). Pub. L. 94-161, § 313(a)(1)(A), (B), authorized appropriations of $194,500,000 and $219,900,000 for fiscal years 1976 and 1977, required maximum contribution of $250,000 to be made to the Namibia Institute, and designated existing provisions as par. (1).

Subsec. (a)(2). Pub. L. 94-161, § 313(a)(1)(C), added par. (2).

Subsec. (b)(1). Pub. L. 94-161, § 313(a)(2), substituted "$61,220,000" for "$51,220,000".

Subsec. (b)(2). Pub. L. 94-161, § 313(a)(3), authorized appropriations of $27,000,000 for use beginning in fiscal year 1976.

Subsec. (d). Pub. L. 94-161, § 313(a)(4), substituted appropriations authorization of $20,000,000 for fiscal years 1976 and 1977, for prior appropriations authorization of $18,000,000 for fiscal years 1974 and 1975.

1974—Subsec. (a). Pub. L. 93-559, § 9(a)(1), increased appropriations authorization for fiscal year 1975 to $165,000,000 from $150,000,000.

Subsecs. (g), (h). Pub. L. 93-559, § 9(a)(2), added subsecs. (g) and (h).

1973—Subsec. (a). Pub. L. 93-189, § 9(2), substituted "for the fiscal year 1974, $127,822,000 and for the fiscal year 1975, $150,000,000", for "for the fiscal year 1972, $138,000,000 and for the fiscal year 1973, $138,000,000".

Subsec. (b)(2). Pub. L. 93-189, § 9(3), substituted "for use in the fiscal year 1974, $14,500,000, and for use in the fiscal year 1975, $14,500,000", for "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000".

Subsec. (d). Pub. L. 93-189, § 9(4), substituted provisions directing that out of the funds made available for carrying out this part $18,000,000 be available in each of fiscal years 1974 and 1975 for contributions to the United Nations Children's Fund, for provisions authorizing the appropriation of $1,000,000 for fiscal year 1969 for contributions to the United Nations Children's Fund during the calendar year 1969 and directing that funds made thus available be in addition to funds available under this chapter or any other Act for such contributions and not be taken into account in computing the aggregate amount of United States contributions to such fund for the calendar year 1969.

Subsec. (e). Pub. L. 93-189, § 9(5), substituted "$2,000,000 for the fiscal year 1974 and $2,000,000 for the fiscal year 1975", for "$1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973".

1972—Subsec. (a). Pub. L. 92-226, § 107(a), authorized appropriations of $138,000,000 for fiscal years 1972 and 1973, and struck out provisions for authorization of $122,620,000 for fiscal years 1970 and 1971.

Subsec. (b)(2). Pub. L. 92-226, § 107(b), authorized appropriations of $15,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of $7,530,000 for fiscal years 1970 and 1971; and prohibited the President from exercising any special authority to transfer any amount appropriated under par. (2) to, and to consolidate such amount with, any funds made available under any other provision of this chapter.

Subsec. (e). Pub. L. 92-226, § 107(c), authorized appropriations of $1,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of $1,000,000 for fiscal years 1970 and 1971.

Subsec. (f). Pub. L. 92-226, § 107(d), added subsec. (f).

1969—Subsec. (a). Pub. L. 91-175, § 108(b), substituted "fiscal year 1970, $122,620,000, and for the fiscal year 1971, $122,620,000" for "fiscal year 1969, $135,000,000".

Subsec. (b). Pub. L. 91-175, § 108(c), designated existing provisions as par. (1) and added par. (2).

Subsec. (e). Pub. L. 91-175, § 108(d), added subsec. (e).

1968—Subsec. (a). Pub. L. 90-554, § 108(a), substituted authorization of $135,000,000 for fiscal year 1969, for authorization of $141,000,000 for fiscal year 1968.

Subsec. (d). Pub. L. 90-554, § 108(b), added subsec. (d).

1967—Subsec. (a). Pub. L. 90-137, § 110(b)(1), substituted authorization of $141,000,000 for fiscal year 1968, for authorization of $140,433,000, for fiscal year 1967.

Subsec. (b). Pub. L. 90-137, § 110(b)(2), substituted appropriation authorization of $51,220,000 for fiscal year 1969, for Indus Basin Development for appropriations authorization of $1,000,000 for fiscal year 1967, for contributions to United Nations Children's Fund during calendar year 1967 and for exclusion of such contributions from computation of aggregate amount of United States contributions to the fund during calendar year 1967.

1966—Subsec. (a). Pub. L. 89-583 designated existing provisions as subsec. (a) and (c), substituted in subsec. (a) "grants" for "use" and authorization of $140,433,000 for fiscal year 1967 for authorization of $144,755,000 for fiscal year 1966, and added subsec. (b).

1965—Pub. L. 89-171 substituted "1966" and "$144,755,000" for "1965" and "$134,272,400", respectively.

1964—Pub. L. 88-633 substituted "1965" and "$134,272,400" for "1964" and "$136,050,000", respectively, and prohibited contribution of funds for payment of costs of volunteer manpower programs.

1963—Pub. L. 88-205 substituted "1964" and "$136,050,000" for "1963" and "$148,900,000", respectively.

1962—Pub. L. 87-565 substituted "1963" and "$148,900,000" for "1962" and "$153,500,000", respectively.

§ 2223. Indus Basin development

In the event that funds made available under this chapter (other than subchapter II of this chapter) are used by or under the supervision of the International Bank for Reconstruction and Development in furtherance of the development of the Indus Basin through the program of cooperation among South Asian and other countries of the free world, which is designed to promote economic growth and political stability in South Asia, such funds may be used in accordance with requirements, standards, or procedures established by the Bank concerning completion of plans and cost estimates and determination of feasibility, rather than with requirements, standards, or procedures, concerning such matters set forth in this chapter or other Acts; and such funds may also be used without regard to the provisions of section 1241(b) of title 46, whenever the President determines that such provisions cannot be fully satisfied without seriously impeding or preventing accomplishment of the purposes of such programs: *Provided,* That compensating allowances are made in the administration of other programs to the same or other areas to which the requirements of said section 1241(b) of title 46 are applicable.

(Pub. L. 87-195, pt. I, § 303, Sept. 4, 1961, 75 Stat. 433.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2394 of this title.

§ 2224. Omitted

CODIFICATION

Section, Pub. L. 87-195, pt. I, § 304, as added Pub. L. 90-137, pt. I, § 110(c), Nov. 14, 1967, 81 Stat. 454, relating to arrangements for United Nations standby peacekeeping forces, was omitted from the Code as obsolete.

§ 2225. Integration of women

The President is requested to instruct each representative of the United States to each international organization of which the United States is a member (including but not limited to the International Bank for Reconstruction and Development, the Asian Development Bank, the Inter-American Development Bank, the International Monetary Fund, the United Nations, and the Organization for Economic Cooperation and Development) to carry out their duties with respect to such organizations in such a manner as to encourage and promote the integration of women into the national economies of member and recipient countries and into professional and policy-making positions within such organizations, thereby improving the status of women.

(Pub. L. 87-195, pt. I, § 305, as added Pub. L. 93-559, § 54, Dec. 30, 1974, 88 Stat. 1818, and amended Pub. L. 94-161, title III, § 313(b), Dec. 20, 1975, 89 Stat. 866.)

CODIFICATION

Section 313(b) of Pub. L. 94-161 corrected the credit to read "pt. I" rather than "pt. III".

PART IV—SUPPORTING ASSISTANCE

§§ 2241 to 2243. Repealed. Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27

Section 2241, Pub. L. 87-195, pt. I, § 401, Sept. 4, 1961, 75 Stat. 434; Pub. L. 89-583, pt. I, § 108(a), Sept. 19, 1966, 80 Stat. 801; Pub. L. 90-137, pt. I, § 111(a), Nov. 14, 1967, 81 Stat. 454, provided for general authority and limitation on countries to receive assistance.

Section 2242, Pub. L. 87-195, pt. I, § 402, Sept. 4, 1961, 75 Stat. 434; Pub. L. 87-565, pt. I, § 108, Aug. 1, 1962, 76 Stat. 259; Pub. L. 88-205, pt. I, § 109, Dec. 16, 1963, 77 Stat. 383; Pub. L. 88-633, pt. I, § 107, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89-171, pt. I, § 107, Sept. 6, 1965, 79 Stat. 656; Pub. L. 89-371, § 1, Mar. 18, 1966, 80 Stat. 74; Pub. L. 89-583, pt. I, § 108(b), Sept. 19, 1966, 80 Stat. 801; Pub. L. 90-137, pt. I, § 111(b), Nov. 14, 1967, 81 Stat. 454; Pub. L. 90-554, pt. I, § 109, Oct. 8, 1968, 82 Stat. 962; Pub. L. 91-175, pt. I, § 109, Dec. 30, 1969, 83 Stat. 819; Pub. L. 91-652, § 5, Jan. 5, 1971; 84 Stat. 1942, provided for authorization of appropriations, executive approval of budgeting of proceeds by Vietnam for economic assistance projects or programs, and executive approval of accommodation rate of exchange between United States and Vietnam.

Section 2243, Pub. L. 87-195, pt. I, § 403, as added Pub. L. 90-137, pt. I, § 111(c), Nov. 14, 1967, 81 Stat. 454, provided for United States refund claims.

Subject matter is now covered by sections 2346, 2346a, and 2346b of this title, respectively.

REFERENCES TO PART IV OF SUBCHAPTER I DEEMED REFERENCES TO PART IV OF SUBCHAPTER II

References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

PART V—CONTINGENCY FUND

§ 2261. Authorization of appropriations

(a) Emergency assistance

There is authorized to be appropriated to the President for the fiscal year 1976 not to exceed $5,000,000 and for the fiscal year 1977 not to exceed $5,000,000 to provide assistance authorized by subchapter I of this chapter for any emergency purpose only in accordance with the provisions applicable to the furnishing of such assistance. Amounts appropriated under this section are authorized to remain available until expended.

(b) Presidential reports to Committees of Senate and Speaker of House

The President shall submit quarterly reports to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Speaker of the House of Representatives on the Programing and obligation of funds under this section.

(c) Prohibition against payment of gifts to foreign officials

No part of this fund shall be used to pay for any gifts to any officials of any foreign government made heretofore or hereafter.

(Pub. L. 87-195, pt. I, § 451, Sept. 4, 1961, 75 Stat. 434; Pub. L. 87-565, pt. I, § 109, Aug. 1, 1962, 76 Stat. 259; Pub. L. 88-205, pt. I, § 110, Dec. 16, 1963, 77 Stat. 384; Pub. L. 88-633, pt. I, § 108, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89-171, pt. I, § 108, Sept. 6, 1965, 79 Stat. 656; Pub. L. 89-371, § 2, Mar. 18, 1966, 80 Stat. 74; Pub. L. 89-583, pt. I, § 109, Sept. 19, 1966, 80 Stat. 801; Pub. L. 90-137, pt. I, § 112, Nov. 14, 1967, 81 Stat. 455; Pub. L. 90-554, pt. I, § 110, Oct. 8, 1968, 82 Stat. 962; Pub. L. 91-175, pt. I, § 110, Dec. 30, 1969, 83 Stat. 819; Pub. L. 91-652, § 6(a), Jan. 5, 1971, 84 Stat. 1942; Pub. L. 92-226, pt. I, § 108, Feb. 7, 1972, 86 Stat. 24; Pub. L. 93-189, § 10, Dec. 17, 1973, 87 Stat. 719; Pub. L. 93-559, § 28(c), Dec. 30, 1974, 88 Stat. 1803; Pub. L. 94-329, title V, § 503(2), June 30, 1976, 90 Stat. 763.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-329 substituted "fiscal year 1976 not to exceed $5,000,000 and for the fiscal year 1977 not to exceed $5,000,000" for "fiscal year 1975 not to exceed $5,000,000," and "authorized by subchapter I of this chapter for any emergency" for "authorized by this subchapter or by section 2399 of this title for any emergency" and added provision authorizing that funds appropriated remain available until expended.

1974—Subsec. (a). Pub. L. 93-559 substituted appropriations authorization of $5,000,000 for fiscal year 1975 for prior authorization of $30,000,000 for fiscal years 1974, and 1975, and authorized assistance under section 2399 of this title and for any emergency purpose.

Subsec. (b). Pub. L. 93-559 substantially reenacted subsec. (b) provisions, substituting "submit" for "provide".

Subsec. (c). Pub. L. 93-559 added subsec. (c).

1973—Subsec. (a). Pub. L. 93-189 substituted provisions authorizing the appropriation of not to exceed $30,000,000 for each of the fiscal years 1974 and 1975, for provisions authorizing the appropriation of not to exceed $30,000,000 for each of the fiscal years 1972 and 1973, substituted "to provide assistance authorized by this subchapter primarily for disaster relief purposes, in accordance with the provisions applicable to the furnishing of such assistance", for "for use by the President for assistance authorized by this subchapter in accordance with the provisions applicable to the furnishing of such assistance, when he determines such use to be important to the national interest", and struck out a proviso for the use of $15,000,000, in addition to any other available funds, out of the funds appropriated for fiscal year 1971 for the flood victims of the East Pakistan flood.

1972—Subsec. (a). Pub. L. 92-226 authorized appropriations not to exceed $30,000,000 for fiscal years 1972 and 1973, and struck out provision for authorization of not to exceed $15,000,000 for fiscal year 1970, and not to exceed $30,000,000 for fiscal year 1971.

1971—Subsec. (a). Pub. L. 91-652 substituted "1971 not to exceed $30,000,000" for "1971 not to exceed $15,000,000", and added the proviso which required $15,000,000 of the amount authorized for the fiscal year 1971 to be used for the relief of cyclone, etc., victims in East Pakistan.

1969—Subsec. (a). Pub. L. 91-175 substituted " fiscal year 1970 not to exceed $15,000,000, and for the fiscal year 1971 not to exceed $15,000,000" for "fiscal year 1968 not to exceed $50,000,000, and for the fiscal year 1969 not to exceed $10,000,000".

1968—Subsec. (a). Pub. L. 90-554 authorized an appropriation of $10,000,000 for fiscal year 1969.

1967—Subsec. (a). Pub. L. 90-137 substituted "1968" and "$50,000,000" for "1967" and "$110,000,000", respectively.

1966—Subsec. (a). Pub. L. 89-583, § 109(a), substituted "1967" and "$110,000,000" for "1966" and "$150,000,000", respectively, and struck out the second and third sentences which authorized withholding of assistance, from fiscal year 1966 funds, to any country permitting transportation of equipment, materials, or commodities to or from North Vietnam unless contrary to national interest of United States and authorized the appropriation of such sums, not to exceed $89,000,000, as may be necessary in the fiscal year 1966 for programs authorized by subchapters I and II of this chapter, to the President for use in Southeast Asia.

Pub. L. 89-371 substituted "$150,000,000" for "$50,000,000" and authorized withholding of assistance, from fiscal 1966 funds, to any country permitting transportation of equipment, materials, or commodities to or from North Vietnam unless contrary to national interest of United States.

Subsec. (b). Pub. L. 89-583, § 109(b), struck out "the first sentence of" preceding "subsection (a)".

1965—Subsec. (a). Pub. L. 89-171, § 108(a), substituted "1966" and "$50,000,000" for "1965" and "$150,000,000", respectively, and authorized the appropriation of such sums, not to exceed $89,000,000, as may be necessary in the fiscal year 1966 for programs authorized by subchapters I and II of this chapter, to the President for use in Southeast Asia.

Subsec. (b). Pub. L. 89-171, § 108(b), substituted "the first sentence of subsection (a) of this section" for "this section".

1964—Subsec. (a). Pub. L. 88-633 substituted "1965" and "$150,000,000" for "1964" and "$160,000,000", respectively.

1963—Subsec. (a). Pub. L. 88-205 substituted "1964" and "$160,000,000" for "1963" and "$300,000,000", respectively.

1962—Subsec. (a). Pub. L. 87-565, § 109(a), substituted "1963" for "1962".

Subsec. (b). Pub. L. 87-565, § 109(b), substituted "provide quarterly reports to" for "keep", and "on the programing and the obligation" for "currently informed of the use".

APPROPRIATION FOR DISASTER RELIEF OF UNALLOCATED EXCESS FOREIGN CURRENCIES HELD IN PAKISTAN

Section 6(b) of Pub. L. 91-652 authorized the appropriation of excess foreign currencies held in Pakistan not allocated on Jan. 5, 1971, for a period of one year from such date to help Pakistan withstand the disaster which had occurred.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2360, 2413 of this title.

§ 2262. Transferred

CODIFICATION

Section, Pub. L. 87-195, pt. I, § 494, formerly § 452, as added Pub. L. 93-333, § 2(2), July 8, 1974, 88 Stat. 290, and renumbered Pub. L. 94-161, title I, § 101(4), Dec. 20, 1975, 89 Stat. 850, authorizing appropriations for disaster relief in Pakistan and Nicaragua, was transferred to section 2292c of this title.

PART VI—ASSISTANCE TO COUNTRIES HAVING AGRARIAN ECONOMIES

§ 2271. Programs for persons engaged in agrarian pursuits or who live in villages or rural areas; tropical research centers

(a) Wherever the President determines that the economy of any country is in major part an agrarian economy, emphasis shall be placed on programs which reach the people in such country who are engaged in agrarian pursuits or who live in the villages or rural areas in such country, including programs which will assist them in the establishment of indigenous cottage industries, in the improvement of the agricultural methods and techniques, and which will encourage the development of local programs of self-help and mutual cooperation. In such country emphasis shall be placed also upon programs of community development which will promote stable and responsible governmental institutions at the local level.

(b) Omitted.

(Pub. L. 87-195, pt. I, § 461, Sept. 4, 1961, 75 Stat. 434; Pub. L. 87-565, pt. I, § 110, Aug. 1, 1962, 76 Stat. 259; Pub. L. 90-137, pt. I, § 113, Nov. 14, 1967, 81 Stat. 455.)

CODIFICATION

Subsec. (b), relating to Presidential recommendations for improving and establishing agricultural research and training facilities in tropical and subtropical regions of Latin America, Africa, and Asia, in proposals to Congress for fiscal year 1969, and development of those recommendations after consultation with appropriate institutions and organizations, was omitted from the Code as executed.

AMENDMENTS

1967—Pub. L. 90-137 designated existing provisions as subsec. (a) and added subsec. (b).

1962—Pub. L. 87-565 provided for placing emphasis upon programs of community development which will promote stable and responsible governmental institutions at the local level.

PART VII—JOINT COMMISSIONS ON RURAL DEVELOPMENT

§ 2281. Agreements for establishment of Joint Commissions on Rural Development

(a) Citizenship and foreign majority of members; selection of members; manner and terms of office

The President is authorized to conclude agreements with less developed countries providing for the establishment in such countries of Joint Commissions on Rural Development each of which shall be composed of one or more citizens of the United States appointed by the President and one or more citizens of the country in which the Commission is established. A majority of the members of each such Commission shall be citizens of the country in which it is established. Each such agreement shall provide for the selection of the members who are citizens of the country in which the Commission is established who wherever feasible shall be selected in such manner and for such terms of office as will insure to the maximum extent possible their tenure and continuity in office.

(b) Authority of commissions

A commission established pursuant to an agreement authorized by this section shall be authorized to formulate and carry out programs for development of rural areas in the country in which it is established, which may include such research, training and other activities as may be necessary or appropriate for such development.

(c) Availability of funds

Not to exceed 10 per centum of the funds made available pursuant to section 2172 of this title shall be available to the President in negotiating and carrying out agreements entered into under this section, including the financing of appropriate activities of Commissions established pursuant to such agreements.

(d) Federal assumption of responsibility for further contributions

The furnishing of assistance under this section shall not be construed as an express or implied assumption by the United States of any responsibility for making further contributions for such purpose.

(e) Restriction of other authorities

Nothing in this section shall be construed to restrict the authority contained in any other parts of this chapter.

(Pub. L. 87-195, pt. I, § 471, as added Pub. L. 89-583, pt. I, § 110, Sept. 19, 1966, 80 Stat. 802.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (e), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

PART VIII—INTERNATIONAL NARCOTICS CONTROL

§ 2291. International narcotics control

(a) International narcotics control; international cooperation; executive agreements; assistance authorization; terms and conditions; suspension of assistance and sales for failure to prevent illegal sales or unlawful entry; continuation of suspension

It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, smuggling, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics, and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970 [21 U.S.C. 801 et seq.]. Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, smuggling of, and traffic in, narcotic and psychotropic drugs. The President shall suspend economic and military assistance furnished under this chapter or any other Act, and shall suspend sales under the Foreign Military Sales Act [22 U.S.C. 2751 et seq.] and under title I of the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1701 et seq.], with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this part.

(b) Reports to Congress

(1) Not later than forty-five days after the date on which each calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the

Senate, a report on the programing and obligation, on a calendar quarter basis, of funds under this part prior to such date.

(2) Not later than forty-five days after the date on which the second calendar quarter of each year ends and not later than forty-five days after the date on which the fourth calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed semiannual report on the activities and operations carried out under this part prior to such date. Such semiannual report shall include, but shall not be limited to—

(A) the status of each agreement concluded prior to such date with other countries to carry out the purposes of this part; and

(B) the aggregate of obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to such date—

(i) to carry out the purposes of this part with respect to each country and each international organization receiving assistance under this part, including the costs of United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

(ii) to carry out each program conducted under this part in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

(iii) for administrative support services within the United States to carry out the purposes of this part, including the cost of United States personnel engaged in carrying out such purposes in the United States.

(c) Ban on participation in foreign police arrest action; Presidential study

(1) Notwithstanding any other provision of law, no officer or employee of the United States may engage or participate in any direct police arrest action in any foreign country with respect to narcotics control efforts.

(2) The President shall carry out a study with respect to methods through which United States narcotics control programs in foreign countries might be placed under the auspices of international or regional organizations. The results of such study shall be transmitted to the Speaker of the House of Representatives and the President of the Senate not later than June 30, 1977.

(Pub. L. 87-195, pt. I, § 481, as added Pub. L. 92-352, title V, § 503, July 13, 1972, 86 Stat. 496, and amended Pub. L. 93-189, § 11(a), Dec. 17, 1973, 87 Stat. 719; Pub. L. 94-329, title V, § 504(b), June 30, 1976, 90 Stat. 764.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Comprehensive Drug Abuse Prevention and Control Act of 1970, referred to in subsec. (a), is Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1236, as amended, which is classified principally to chapter 13 (§ 801 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables volume.

The Foreign Military Sales Act, referred to in subsec. (a), is Pub. L. 90-629, ch. 1, Oct. 22, 1968, 82 Stat. 1320, as amended, now known as the Arms Export Control Act, on authority of section 201(b) of Pub. L. 94-329, title II, June 30, 1976, 90 Stat. 734, and is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables volume.

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsec. (a), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified generally to chapter 41 (§ 1691 et seq.) of this title. Title I of the Act is classified to subchapter II (§ 1701 et seq.) of chapter 41 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of this title and Tables volume.

PRIOR PROVISIONS

A prior section 481 of Pub. L. 87-195, pt. I, as added Pub. L. 92-226, pt. I, § 109, Feb. 7, 1972, 86 Stat. 24, contained similar subject matter, and was repealed by section 503 of Pub. L. 92-352.

AMENDMENTS

1976—Subsec. (c). Pub. L. 94-329 added subsec. (c).

1973—Pub. L. 93-189 designated existing provisions as subsec. (a), and added subsec. (b).

UNITED STATES CITIZENS IMPRISONED IN MEXICO

Section 408 of Pub. L. 94-329, title IV, June 30, 1976, 90 Stat. 759, provided that:

"(a) The Congress, while sharing the concern of the President over the urgent need for international cooperation to restrict traffic in dangerous drugs, is convinced that such efforts must be consistent with respect for fundamental human rights. The Congress, therefore, calls upon the President to take steps to insure that United States efforts to secure stringent international law enforcement measures are combined with efforts to secure fair and humane treatment for citizens of all countries.

"(b)(1) The Congress requests that the President communicate directly to the President and Government of the Republic of Mexico, a nation with which we have friendly and cooperative relations, the continuing desire of the United States for such relations between our two countries and the concern of the United States over treatment of United States citizens arrested in Mexico.

"(2) The Secretary of State shall report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate within one hundred and twenty days after the date of enactment of this section [June 30, 1976], and every one hundred and twenty days thereafter, on progress toward full respect for the human and legal rights of all United States citizens detained in Mexico."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2291a of this title.

§ 2291a. Authorization of appropriations

To carry out the purposes of section 2291 of this title, there are authorized to be appropriated to the President $42,500,000 for each of the fiscal years 1974 and 1975 $40,000,000 for the fiscal year 1976, no part of which may be obligated for or on behalf of any country where illegal traffic in opiates has been a significant problem unless and until the President determines and certifies in writing to the Speaker of

the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that assistance furnished to such country pursuant to the authority in this chapter is significantly reducing the amount of illegal opiates entering the international market, and not to exceed $34,000,000 for the fiscal year 1977. Amounts appropriated under this section are authorized to remain available until expended.

(Pub. L. 87-195, pt. I, § 482, as added Pub. L. 92-352, title V, § 503, July 13, 1972, 86 Stat. 497, and amended Pub. L. 93-189, § 11(b), Dec. 17, 1973, 87 Stat. 720; Pub. L. 94-329, title V, § 504(a), June 30, 1976, 90 Stat. 764.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1976—Pub. L. 94-329 added provision that authorized $40,000,000 for the fiscal year 1976, no part of which can be obligated to any country where illegal opiate traffic is a significant problem unless the President certifies in writing to the Speaker of the House and chairman of the Senate Committee on Foreign Relations that the assistance furnished is significantly the amount of illegal opiates entering the international market, and authorized $34,000,000 for the fiscal year 1977.

1973—Pub. L. 93-189 substituted "$42,500,000 for each of the fiscal years 1974 and 1975. Amounts appropriated under this section are authorized to remain available until expended", for "$42,500,000 for the fiscal year 1973, which amount is authorized to remain available until expended".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2420 of this title.

PART IX—INTERNATIONAL DISASTER ASSISTANCE

AMENDMENTS

1975—Pub. L. 94-161, title I, § 101(1), Dec. 20, 1975, 89 Stat. 849, substituted "International Disaster Assistance" for "Refugee Relief Assistance" as part IX heading.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 2293 of this title.

§ 2292. General provisions

(a) Congressional policy

The Congress, recognizing that prompt United States assistance to alleviate human suffering caused by natural and manmade disasters is an important expression of the humanitarian concern and tradition of the people of the United States, affirms the willingness of the United States to provide assistance for the relief and rehabilitation of people and countries affected by such disasters.

(b) General authority

Subject to the limitation on appropriations in section 2292a of this title, and notwithstanding any other provision of this chapter or any other Act, the President is authorized to furnish assistance to any foreign country or international organization on such terms and conditions as he may determine, for international disaster relief and rehabilitation, including assistance relating to disaster preparedness, and to the prediction of, and contingency planning for, natural disasters abroad.

(c) Specific direction

In carrying out the provisions of this section the President shall insure that the assistance provided by the United States shall, to the greatest extent possible, reach those most in need of relief and rehabilitation as a result of natural and manmade disasters.

(Pub. L. 87-195, pt. I, § 491, as added Pub. L. 94-161, title I, § 101(3), Dec. 20, 1975, 89 Stat. 849.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

PRIOR PROVISIONS

A prior section 491 of Pub. L. 87-195, pt. I, as added Pub. L. 92-226, pt. I, § 109, Feb. 7, 1972, 86 Stat. 24, provided for East Pakistan refugee relief assistance, including appropriations authorization of $250,000,000 for fiscal year 1972, and was repealed by section 101(2) of Pub. L. 94-161.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2292a, 2292f, 2292g, 2292i of this title.

§ 2292a. Authorization of appropriations; Presidential reports to Committee on Foreign Relations of the Senate and Speaker of the House

There is authorized to be appropriated to the President to carry out section 2292 of this title, $25,000,000 for each of the fiscal years 1976 and 1977. Amounts appropriated under this section are authorized to remain available until expended. The President shall submit quarterly reports to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives on the programing and obligation of funds under this section.

(Pub. L. 87-195, pt. I, § 492, as added Pub. L. 94-161, title I, § 101(3), Dec. 20, 1975, 89 Stat. 849.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2292 of this title.

§ 2292a-1. Appropriated funds; Presidential reports to Committees on Appropriations of the Senate and the House

The President shall submit quarterly reports to the Committee on Appropriations of the United States Senate and to the Committee on Appropriations of the House of Representatives on the programing and obligation of funds appropriated for International Disaster Assistance.

(Pub. L. 94-330, title I, § 100, June 30, 1976, 90 Stat. 773.)

CODIFICATION

Section was not enacted as part of Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961, which comprises this chapter.

§ 2292b. Disaster assistance coordination through a Special Coordinator for International Disaster Assistance; Presidential appointment and duties

The President is authorized to appoint a Special Coordinator for International Disaster Assistance whose responsibility shall be to promote maximum effectiveness and coordination in responses to foreign disasters by United States agencies and between the United States and other donors. Included among the Special Coordinator's responsibilities shall be the formulation and updating of contingency plans for providing disaster relief.

(Pub. L. 87-195, pt. I, § 493, as added Pub. L. 94-161, title I, § 101(3), Dec. 20, 1975, 89 Stat. 849.)

§ 2292c. Authorization of appropriations for disaster relief and emergency recovery needs in Pakistan and Nicaragua

There are authorized to be appropriated, in addition to other sums available for such purposes, $65,000,000 for use by the President for disaster relief and emergency recovery needs in Pakistan and Nicaragua, under such terms and conditions as he may determine, such sums to remain available until expended.

(Pub. L. 87-195, pt. I, § 494, formerly § 452, as added Pub. L. 93-333, § 2(2), July 8, 1974, 88 Stat. 290, and renumbered Pub. L. 94-161, title I, § 101(4), Dec. 20, 1975, 89 Stat. 850.)

CODIFICATION

Section was formerly classified to section 2262 of this title.

§ 2292d. Famine and disaster relief to drought-stricken African nations

(a) The Congress affirms the response of the United States Government in providing famine and disaster relief and related assistance in connection with the drought in the nations of Africa. The President shall report to Congress as soon as possible on solutions to this problem of famine and further propose how any of these solutions may be carried out by multilateral organizations.

(b) Notwithstanding any prohibitions or restrictions contained in this chapter or any other Act, there is authorized to be appropriated to the President, in addition to funds otherwise available for such purposes, $110,000,000 to remain available until expended, for use by the President, under such terms and conditions, as he may determine, for emergency and recovery needs, including drought, famine, and disaster relief, and rehabilitation and related assistance, for the drought-stricken nations of Africa. Of the amount authorized to be appropriated under this subsection, not more than $10,000,000 shall be made available for Ethiopia.

(Pub. L. 87-195, pt. I, § 494A, formerly pt. III, § 639A, as added Pub. L. 93-189, § 20, Dec. 17, 1973, 87 Stat. 725, amended Pub. L. 93-333, § 3, July 8, 1974, 88 Stat. 290, and renumbered Pub. L. 94-161, title I, § 101(5), Dec. 20, 1975, 89 Stat. 850.)

CODIFICATION

Section was formerly classified to section 2399-1a of this title.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-333, § 3(2), substituted "nations of Africa" for "Sahelian nations of Africa".

Subsec. (b). Pub. L. 93-333, § 3(3) to (5), substituted "nations of Africa" for "Sahelian nations of Africa" and substituted "$110,000,000" for "$25,000,000" and added provision limiting to $10,000,000 the amount made available to Ethopia.

§ 2292e. African development program

(a) Congressional support

The Congress reaffirms its support of the initiative of the United States Government in undertaking consultations and planning with the countries concerned, with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations, toward the development and support of a comprehensive long-term African Sahel development program.

(b) Presidential authorization

The President is authorized to develop a long-term comprehensive development program for the Sahel and other drought-stricken nations in Africa.

(c) Presidential guidelines

In developing this long-term program, the President shall—

(1) consider international coordination for the planning and implementation of such program;

(2) seek greater participation and support by African countries and organizations in determining development priorities; and

(3) begin such planning immediately.

(d) Authorization of appropriations; comprehensive proposal; submittal to Congressional Committees

There is authorized to be appropriated to the President, to carry out the purposes of this section, in addition to funds otherwise available for such purposes, $5,000,000 for the fiscal year 1976, which amount is authorized to remain available until expended. The President shall submit to the Foreign Relations and Appropriations Committees of the Senate and the International Relations and Appropriations Committees of the House of Representatives not later than April 30, 1976, a comprehensive proposal for carrying out the provisions of this section which shall include budget materials relating to programs for the fiscal year 1977.

(Pub. L. 87-195, pt. I, § 494B, formerly pt. III, § 639B, as added Pub. L. 93-189, § 20, Dec. 17, 1973, 87 Stat. 725, renumbered and amended Pub. L. 94-161, title I, § 101(5), (7), Dec. 20, 1975, 89 Stat. 850.)

CODIFICATION

Section was formerly classified to section 2399-1b of this title.

AMENDMENTS

1975—Pub. L. 94-161, § 101(7)(A), deleted "Sahel" following "African" in section heading.

Subsec. (a). Pub. L. 94-161, § 101(7)(B), (C), designated existing provisions as subsec. (a) and substituted "Congress reaffirms its support of" for "Congress supports".

Subsecs. (b) to (d). Pub. L. 94-161, § 101(7)(D), added subsecs. (b) to (d).

§ 2292f. Cyprus relief and rehabilitation; terms and conditions; authorization of appropriations; section 2292 policy and general authority applicable

The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees and other needy people in Cyprus. There is authorized to be appropriated for the purposes of this section, in addition to amounts otherwise available for such purposes, $40,000,000. Such amount is authorized to remain available until expended. Assistance under this section shall be provided in accordance with the policy and general authority contained in section 2292 of this title.

(Pub. L. 87-195, pt. I, § 495, as added Pub. L. 94-161, title I, § 101(8), Dec. 20, 1975, 89 Stat. 850, and amended Pub. L. 94-329, title IV, § 402, June 30, 1976, 90 Stat. 757.)

AMENDMENTS

1976—Pub. L. 94-329 substituted "$40,000,000" for "$30,000,000".

§ 2292g. Guatemala relief and rehabilitation

(a) Terms and conditions; authorization of appropriations; section 2292 policy and general authority; prior obligations

The President is authorized to provide assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of the people who have been victimized by the recent earthquakes in Guatemala. There is authorized to be appropriated to the President to carry out the purposes of this section $25,000,000 for the fiscal year 1976, which amount is authorized to remain available until expended, except that not more than $4,000,000 of this amount shall be available for repairs to the Puerto Barrios highway in Guatemala. Assistance under this section shall be provided in accordance with the policy and general authority of section 2292 of this title. Obligations incurred prior to April 21, 1976, against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Guatemala may be charged to the appropriations authorized under this section.

(b) Distribution of assistance

Assistance made available under this section shall be distributed to the maximum extent practicable through United States voluntary relief agencies and other international relief and development organizations.

(c) Use of assistance for construction of housing of seismic resistant materials or with earthquake safety features

In order to limit the extent of deaths, injuries, and destruction in future earthquakes, assistance provided under this section which is used for the construction of housing in the Republic of Guatemala shall, to the maximum extent possible, be used for housing which is constructed of seismic resistant materials or which will otherwise minimize the danger of injury to occupants during future earthquakes; and the President should encourage the Government of the Republic of Guatemala to promote the use of such materials.

(d) Limitations on use of amounts authorized to be appropriated and transfer of available funds

Notwithstanding any other provision of law, the amount authorized to be appropriated in subsection (a) of this section may be used only for the purposes specified in this section. The authority contained in section 2360(a) of this title may not be used to transfer funds made available under this section.

(e) Presidential reports to Committees of Senate and Speaker of House

Not later than sixty days after the date of enactment of appropriations to carry out this section, and at the end of each quarter thereafter, the President shall transmit a report to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives on the programing and obligations of funds under this section.

(Pub. L. 87-195, pt. I, § 495A, as added Pub. L. 94-276, § 2, Apr. 21, 1976, 90 Stat. 397.)

SHORT TITLE

Section 1 of Pub. L. 94-276 provided: "That this Act [enacting this section] may be cited as the 'Guatemala Relief and Rehabilitation Act of 1976'."

§ 2292h. Italy: relief and rehabilitation

(a) In addition to amounts otherwise available for such purpose, there is authorized to be appropriated $25,000,000 for the fiscal year 1976 to furnish assistance under this part for the relief and rehabilitation of the people who have been victimized by the recent earthquake in Italy. Amounts appropriated under this section are authorized to remain available until expended.

(b) Obligations incurred prior to June 30, 1976, against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Italy may be charged to the appropriations authorized under this section.

(Pub. L. 87-195, pt. I, § 495B, as added Pub. L. 94-329, title IV, § 415, June 30, 1976, 90 Stat. 761.)

§ 2292i. Lebanon: relief and rehabilitation

(a) General authority

The Congress, recognizing that prompt United States assistance is necessary to alleviate the human suffering arising from civil strife in Lebanon and to restore the confidence of the people of Lebanon, authorizes the President to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees and other needy people in Lebanon.

(b) Authorization of appropriations

There is authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $20,000,000, which amount is authorized to remain available until expended.

(c) Section 2292 policy and general authority applicable

Assistance under this section shall be provided in accordance with the policies and general authority contained in section 2292 of this title.

(d) Obligations charged to appropriations

Obligations incurred prior to June 30, 1976, against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Lebanon may be charged to the appropriations authorized under this section.

(e) Presidential reports to Committees of Senate and Speaker of House

Not later than sixty days after the date of enactment of appropriations to carry out this section, and on a quarterly basis thereafter, the President shall transmit reports to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives regarding the programming and obligation of funds under this section.

(Pub. L. 87-195, pt. I, § 495C, as added Pub. L. 94-329, title IV, § 416, June 30, 1976, 90 Stat. 762.)

PART X—ASSISTANCE TO PORTUGAL AND PORTUGUESE COLONIES IN AFRICA GAINING INDEPENDENCE

§ 2293. Assistance to Portugal and Portuguese colonies in Africa gaining independence

(a) Economic assistance; authorization of appropriations; availability of funds

There are authorized to be appropriated to the President for the fiscal year 1975, in addition to funds otherwise available for such purposes, not to exceed—

(1) $7,750,000 to make grants; and

(2) $17,250,000 to make loans;

to remain available until expended, for use by the President in providing economic assistance, on such terms and conditions as he may determine, for Portugal and the countries and colonies in Africa which were, prior to April 25, 1974, colonies of Portugal.

(b) Cape Verde Islands loan; forgiveness of liability

Notwithstanding the provisions of section 2370(r) of this title, the United States is authorized to forgive the liability incurred by the Government of the Cape Verde Islands for the repayment of a $3,000,000 loan on June 30, 1975.

(c) Development or relief and rehabilitation assistance; availability of funds

The President is authorized to use up to $30,000,000 of the funds made available under subchapter I of this chapter for the fiscal year 1976, in addition to funds otherwise available for such purposes, to provide development assistance in accordance with part I of this subchapter or relief and rehabilitation assistance in accordance with part IX of this subchapter (including assistance through international or private voluntary organizations) to countries and colonies in Africa which were, prior to April 25, 1974, colonies of Portugal.

(Pub. L. 87-195, pt. I, § 496, as added Pub. L. 93-559, § 53, Dec. 30, 1974, 88 Stat. 1818, and amended Pub. L. 94-161, title III, § 314, Dec. 20, 1975, 89 Stat. 866.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II, (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1975—Subsec. (a). Pub. L. 94-161, § 314(1)-(3), designated existing provisions as subsec. (a), substituted "$7,750,000" for "$5,000,000" in item (1) and "$17,250,000" for $20,000,000" in item (2).

Subsecs. (b), (c). Pub. L. 94-161, § 314(4), added subsecs. (b) and (c).

LIMITATION ON CERTAIN ASSISTANCE TO AND ACTIVITIES IN ANGOLA

Pub. L. 94-329, title IV, § 404, June 30, 1976, 90 Stat. 757, provided that:

"(a) Notwithstanding any other provision of law, no assistance of any kind may be provided for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola unless and until the Congress expressly authorizes such assistance by law enacted after the date of enactment of this section [June 30, 1976].

"(b) If the President determines that assistance prohibited by subsection (a) should be furnished in the national security interests of the United States, he shall submit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

"(1) a description of the amounts and categories of assistance which he recommends to be authorized and the identity of the proposed recipients of such assistance; and

"(2) a certification that he has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement, in unclassified form, of the reasons supporting such determination.

"(c) The prohibition contained in subsection (a) does not apply with respect to assistance which is furnished solely for humanitarian purposes.

"(d) The provisions of this section may not be waived under any other provision of law."

SOVIET INTERVENTION IN ANGOLA

Pub. L. 94-329, title IV, § 405, June 30, 1976, 90 Stat. 758, provided that: "The Congress views the large-scale and continuing Soviet intervention in Angola, including active sponsorship and support of Cuban armed forces in Angola, as being completely inconsistent with any reasonably defined policy of détente, as well as with Articles 1 and 2 of the United Nations Charter, the principle of noninterference in the affairs of other countries agreed to at Helsinki in 1975, and with the spirit of recent bilateral agreements between the United States and the Union of Soviet Socialist Republics. Such intervention should be taken explicitly into account in United States foreign policy planning and negotiations."

EMERGENCY FOOD NEEDS OF PORTUGAL

Pub. L. 94-329, title IV, § 409, June 30, 1976, 90 Stat. 760, provided that: "It is the sense of the Congress that the President should undertake immediately an evaluation of the emergency food needs of Portugal. It is further the sense of the Congress that the President should take timely action to alleviate such emergency by providing Portugal with food commodities under the provisions of pertinent statutes."

SUBCHAPTER II—MILITARY ASSISTANCE AND SALES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2223, 2318, 2321d, 2344, 2352, 2370, 2384, 2385, 2392, 2393, 2394, 2395, 2396 of this title.

PART I—DECLARATION OF POLICY

§ 2301. Congressional statement of policy

The Congress of the United States reaffirms the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except for individual or collective self-defense. The Congress finds that the efforts of the United States and other friendly countries to promote peace and security continue to require measures of support based upon the principle of effective of self-help and mutual aid. It is the purpose of subchapter II of this chapter to authorize measures in the common defense against internal and external aggression, including the furnishing of military assistance, upon request, to friendly countries and international organizations. In furnishing such military assistance, it remains the policy of the United States to continue to exert maximum efforts to achieve universal control of weapons of mass destruction and universal regulation and reduction of armaments, including armed forces, under adequate safeguards to protect complying countries against violation and evasion.

The Congress recognizes that the peace of the world and the security of the United States are endangered so long as international communism and the countries it controls continue by threat of military action, by the use of economic pressure, and by internal subversion, or other means to attempt to bring under their domination peoples now free and independent and continue to deny the rights of freedom and self-government to peoples and countries once free but now subject to such domination.

It is the sense of the Congress that an important contribution toward peace would be made by the establishment under the Organization of American States of an international military force.

In enacting this legislation, it is therefore the intention of the Congress to promote the peace of the world and the foreign policy, security, and general welfare of the United States by fostering an improved climate of political independence and individual liberty, improving the ability of friendly countries and international organizations to deter or, if necessary, defeat Communist or Communist-supported aggression, facilitating arrangements for individual and collective security, assisting friendly countries to maintain internal security, and creating an environment of security and stability in the developing friendly countries essential to their more rapid social, economic, and political progress. The Congress argues that all other countries able to contribute join in a common undertaking to meet the goals stated in subchapter II of this chapter.

It is the sense of the Congress that in the administration of subchapter II of this chapter priority shall be given to the needs of those countries in danger of becoming victims of active Communist or Communist-supported aggression or those countries in which the internal security is threatened by Communist-inspired or Communist-supported internal subversion.

Finally, the Congress reaffirms its full support of the progress of the members of the North Atlantic Treaty Organization toward increased cooperation in political, military, and economic affairs. In particular, the Congress welcomes the steps which have been taken to promote multilateral programs of coordinated procurement, research, development, and production of defense articles and urges that such programs be expanded to the fullest extent possible to further the defense of the North Atlantic Area.

(Pub. L. 87-195, pt. II, § 501, formerly § 502, Sept. 4, 1961, 75 Stat. 434, renumbered and amended Pub. L. 90-137, pt. II, § 201(a), Nov. 14, 1967, 81 Stat. 455.)

REFERENCES IN TEXT

"This legislation", referred to in the fourth paragraph, means Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

PRIOR PROVISIONS

A former section 501 of Pub. L. 87-195, which provided that part II of Pub. L. 87-195 [subchapter II of this chapter] should be cited as the "International Peace and Security Act of 1961" was repealed by Pub. L. 88-205, pt. II, § 201(b), Dec. 16, 1963, 77 Stat. 384.

AMENDMENTS

1967—Pub. L. 90-137 inserted paragraph to indicate that priority shall be given in the use of the funds available to defend against Communist aggression or Communist-inspired internal subversion.

DELEGATION OF FUNCTIONS

Functions of the President under sections 2301 to 2319 of this title delegated to the Secretary of Defense, see section 201(a) of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

§ 2302. Utilization of defense articles and defense services

Defense articles and defense services to any country shall be furnished solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and se-

curity, or for the purpose of assisting foreign military forces in less developed friendly countries (or the voluntary efforts of personnel of the Armed Forces of the United States in such countries) to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civic action activities and that such civic action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with and form part of the total economic and social development effort.

(Pub. L. 87-195, pt. II, § 502, formerly § 505(a), Sept. 4, 1961, 75 Stat. 436; Pub. L. 88-205, pt. II, § 202(b), Dec. 16, 1963, 77 Stat. 384; Pub. L. 89-171, pt. II, § 201(c), Sept. 6, 1965, 79 Stat. 656; renumbered and amended Pub. L. 90-137, pt. II, § 201(d), Nov. 14, 1967, 81 Stat. 456.)

CODIFICATION

Section was formerly classified to section 2313 of this title.

AMENDMENTS

1967—Pub. L. 90-137 substituted "Defense articles and defense services" for "Military assistance".

1965—Pub. L. 89-171 authorized military assistance to any country for the purpose of assisting foreign military forces in less developed friendly countries (or the voluntary efforts of personnel of the Armed Forces of the United States in such countries) to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries, expressed the sense of Congress that such foreign military forces should not be maintained or established solely for civic action activities, and that such civic action activities should not significantly detract from the capability of the military forces to perform their military missions, and should be coordinated with and from part of the total economic and social development effort, and struck out prohibition against further assistance to Latin American countries, now incorporated in section 2319(c) of this title.

1963—Pub. L. 88-205 inserted the proviso stopping further military assistance under this chapter to Latin American countries except to the extent necessary to fulfill prior commitments or to safeguard the security of the United States or of a country associated with the United States in the Alliance for Progress against the overthrow of a duly constituted government, now incorporated in section 2319(c) of this title.

TRANSFER TO REPUBLIC OF KOREA OF DEFENSE ARTICLES; REIMBURSEMENT FOR TRANSFER

Pub. L. 91-652, § 3, Jan. 5, 1971, 84 Stat. 1942 authorized the President until June 30, 1972, to transfer to the Republic of Korea such Armed Forces defense articles located in Korea on July 1, 1970 as he determined appropriate and provided that no funds appropriated under Pub. L. 91-652 or this chapter were to be available for reimbursement to any Government agency for any such transfers of defense articles.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2314 of this title.

§ 2303. Excess defense articles

Excess defense articles shall be provided whenever possible rather than providing such articles by the procurement of new items.

(Pub. L. 87-195, pt. II, § 502A, as added Pub. L. 93-189, § 12(a), Dec. 17, 1973, 87 Stat. 720.)

§ 2304. Human rights and security assistance

(a) Observance of human rights as principal goal of foreign policy

(1) It is the policy of the United States, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, to promote and encourage increased respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. To this end, a principal goal of the foreign policy of the United States is to promote the increased observance of internationally recognized human rights by all countries.

(2) It is further the policy of the United States that, except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.

(3) In furtherance of the foregoing policy the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

(b) Report by Secretary of State on practices of proposed recipient countries; considerations

The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Coordinator for Human Rights and Humanitarian Affairs, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. In determining whether a government falls within the provisions of subsection (a)(3) of this section and in the preparation of any report or statement required under this section, consideration shall be given to—

(1) the relevant findings of appropriate international organizations, including nongovernmental organizations, such as the International Committee of the Red Cross; and

(2) the extent of cooperation by such government in permitting an unimpeded investigation by any such organization of alleged violations of internationally recognized human rights.

(c) Congressional request for information; information required; 30 day period; failure to supply information; termination or restriction of assistance

(1) Upon the request of the Senate or the House of Representatives by resolution of either such House, or upon the request of the Committee on Foreign Relations of the Senate

or the Committee on International Relations of the House of Representatives, the Secretary of State shall, within thirty days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Coordinator for Human Rights and Humanitarian Affairs, with respect to the country designated in such request, setting forth—

(A) all the available information about observance of and respect for human rights and fundamental freedom in that country, and a detailed description of practices by the recipient government with respect thereto;

(B) the steps the United States has taken to—

(i) promote respect for and observance of human rights in that country and discourage any practices which are inimical to internationally recognized human rights, and

(ii) publicly or privately call attention to, and disassociate the United States and any security assistance provided for such country from, such practices;

(C) whether, in the opinion of the Secretary of State, notwithstanding any such practices—

(i) extraordinary circumstances exist which necessitate a continuation of security assistance for such country, and, if so, a description of such circumstances and the extent to which such assistance should be continued (subject to such conditions as Congress may impose under this section), and

(ii) on all the facts it is in the national interest of the United States to provide such assistance; and

(D) such other information as such committee or such House may request.

(2)(A) A resolution of request under paragraph (1) of this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) The term "certification", as used in section 601 of such Act, means, for the purposes of this subsection, a resolution of request of the Senate under paragraph (1) of this subsection.

(3) In the event a statement with respect to a country is requested pursuant to paragraph (1) of this subsection but is not transmitted in accordance therewith within thirty days after receipt of such request, no security assistance shall be delivered to such country except as may thereafter be specifically authorized by law from such country unless and until such statement is transmitted.

(4)(A) In the event a statement with respect to a country is transmitted under paragraph (1) of this subsection, the Congress may at any time thereafter adopt a joint resolution terminating, restricting, or continuing security assistance for such country. In the event such a joint resolution is adopted, such assistance shall be so terminated, so restricted, or so continued, as the case may be.

(B) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) The term "certification", as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under paragraph (1) of this subsection.

(d) Definitions

For the purposes of this section—

(1) the term "gross violations of internationally recognized human rights" includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trail, and other flagrant denial of the right to life, liberty, or the security of person; and

(2) the term "security assistance" means—

(A) assistance under part II (military assistance) or part IV (security supporting assistance) or part V (military education and training) of this subchapter or subchapter V (assistance to the Middle East) of this chapter;

(B) sales of defense articles or services, extensions of credits (including participations in credits, and guaranties of loans under the Arms Export Control Act [22 U.S.C. 2751 et seq.]); or

(C) any license in effect with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country under section 38 of the Arms Export Control Act [22 U.S.C. 2778].

(Pub. L. 87-195, pt. II, § 502B, as added Pub. L. 93-559, § 46, Dec. 30, 1974, 88 Stat. 1815, and amended Pub. L. 94-329, title III, § 301(a), June 30, 1976, 90 Stat. 748.)

REFERENCES IN TEXT

Section 601 of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (c), is section 601 of Pub. L. 94-329, which was not classified to the Code.

The Arms Export Control Act, referred to in subsec. (d)(2)(B), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables volume.

AMENDMENTS

1976—Pub. L. 94-329 restricted the power of the President by eliminating the extraordinary circumstances exception to termination of assistance for gross violations of recognized human rights, directed the Secretary of State, as part of the presentation materials for an assistance program, to transmit a full and complete report to Congress on the human rights practices of the proposed recipient country and, within 30 days of a request by Congress, to supply information concerning the human rights practices of a country receiving assistance for determination as to whether the assistance should be continued, restricted, or terminated, and defined "security assistance".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2384 of this title.

PART II—MILITARY ASSISTANCE

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2304, 2360, 2417, 2442 of this title.

§ 2311. General Authority

(a) Defense articles and services; noncombatant personnel

The President is authorized to furnish military assistance, on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance, by—

(1) acquiring for any source and providing (by loan or grant) any defense article or defense service; or

(2) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to perform duties of a noncombatant nature.

(b) Terms and conditions

In addition to such other terms and conditions as the President may determine pursuant to subsection (a) of this section, defense articles may be loaned thereunder only if—

(1) there is a bona fide reason, other than the shortage of funds, for providing such articles on a loan basis rather than on a grant basis;

(2) there is a reasonable expectation that such articles will be returned to the agency making the loan at the end of the loan period, unless the loan is then renewed;

(3) the loan period is of fixed duration not exceeding five years, during which such article may be recalled for any reason by the United States;

(4) the agency making the loan is reimbursed for the loan based on the amount charged to the appropriation for military assistance under subsection (c) of this section; and

(5) arrangements are made with the agency making the loan to be reimbursed in the event such article is lost or destroyed while on loan, such reimbursement being made first out of any funds available to carry out this part and based on the depreciated value of the article at the time of loss or destruction.

(c) Appropriation charges; exceptions

(1) In the case of any loan of a defense article or defense service made under this section, there shall be a charge to the appropriation for military assistance for any fiscal year while the article or service is on loan in an amount based on—

(A) the out-of-pocket expenses authorized to be incurred in connection with such loan during such fiscal year; and

(B) the depreciation which occurs during such year while such article is on loan.

(2) The provisions of this subsection shall not apply—

(A) to any particular defense article or defense service which the United States Government agreed, prior to December 17, 1973, to lend; and

(B) to any defense article or defense service, or portion thereof, acquired with funds appropriated for military assistance under this chapter.

(Pub. L. 87-195, pt. II, § 503, Sept. 4, 1961, 75 Stat. 435; Pub. L. 88-633, § 201(a), Oct. 7, 1964, 78 Stat. 1011; Pub. L. 89-171, pt. II, § 201(a), Sept. 6, 1965, 79 Stat. 656; Pub. L. 90-137, pt. II, § 201(b), Nov. 14, 1967, 81 Stat. 455; Pub. L. 93-189, § 12(b)(1), Dec. 17, 1973, 87 Stat. 720.)

References in Text

This chapter, referred to in subsec. (c)(2)(B), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

Codification

A guaranty provision, formerly a part of this section, was renumbered section 525(a) of Pub. L. 87-195 by Pub. L. 90-137, pt. II, § 201(b)(3), Nov. 14, 1967, 81 Stat. 455, and classified to section 2345(a) of this title and repealed by Pub. L. 90-629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327.

Amendments

1973—Subsec. (a). Pub. L. 93-189 designated existing provisions as subsec. (a) and, in subsec. (a) as so designated, struck out references to making financial contributions to multilateral programs for the acquisition or construction of facilities for collective defense and providing financial assistance for expenses incident to participation by the United States government in regional or collective defense organizations.

Subsecs. (b), (c). Pub. L. 93-189 added subsecs. (b) and (c).

Subsec. (e). Pub. L. 90-137, § 201(b)(3), struck out subsec. (e), which related to the guaranty and insuring against political and credit risks in connection with credit sales for defense articles and services procured in the United States.

1967—Subsec. (a). Pub. L. 90-137, § 201(b)(1), substituted "or grant" for ", lease, sale, exchange, grant, or any other means".

Subsec. (d). Pub. L. 90-137, § 201(b)(2), substituted a period for "; and".

1965—Subsec. (b). Pub. L. 89-171 deleted "in foreign countries" following "facilities".

1964—Subsec. (e). Pub. L. 88-633 added subsec. (e).

Review of Military Assistance Program; Reduction and Elimination Plan, Submittal to Congress

Pub. L. 93-559, § 17, Dec. 30, 1974, 88 Stat. 1800, provided that:

"(a) It is the sense of Congress that the policies and purposes of the military assistance program conducted under chapter 2 of part II of the Foreign Assistance Act of 1961 [part II of this subchapter] should be reexamined in light of changes in world conditions and the economic position of the United States in relation to countries receiving such assistance; and that the program, except for military education and training activities, should be reduced and terminated as rapidly as feasible consistent with the security and foreign policy requirements of the United States.

"(b) In order to give effect to the sense of Congress expressed in subsection (a), the President is directed to submit to the first session of the 94th Congress a detailed plan for the reduction and eventual elimination of the present military assistance program."

Cross References

Accounting for military assistance funds; incurment of obligations in anticipation of reimbursement, restriction on withdrawal, see section 1819 of this title.

Section Referred to in Other Sections

This section is referred to in sections 2321j, 2394 of this title.

§ 2312. Authorization of appropriations; limitations on recipient countries and international organizations; administrative expenses; weapons systems expenditures; assistance for Turkey; programming and budgeting procedures

(a)(1) There is authorized to be appropriated to the President to carry out the purposes of this part $196,700,000 for the fiscal year 1976 and $177,300,000 for the fiscal year 1977. Not more than the following amounts of funds available for carrying out this part (other than funds appropriated under section 507 of the International Security Assistance and Arms Export Control Act of 1976) may be allocated and made available to each of the following countries for such fiscal years:

Country	*Fiscal Year 1976 Amount*	*Fiscal Year 1977 Amount*
Greece	$31,000,000	$33,000,000
Indonesia	13,000,000	15,000,000
Jordan	50,000,000	55,000,000
Republic of Korea	55,000,000	8,300,000
Philippines	17,000,000	17,000,000
Thailand	16,000,000	16,000,000
Turkey	31,000,000	50,000,000
Ethiopia	6,000,000	6,000,000

The amount specified in this paragraph for military assistance to any such country for fiscal year 1976 or for fiscal year 1977 may be increased by not more than 10 per centum of such amount if the President deems such increase necessary for the purposes of this part.

(2) Not to exceed $6,000,000 of the funds available for fiscal year 1976 to carry out the purposes of this part, and not to exceed $3,700,000 of the funds available for fiscal year 1977 to carry out the purposes of this part (other than funds appropriated under section 507 of the International Security Assistance and Arms Export Control Act of 1976), may be used to provide assistance to international organizations and, subject to the limitations contained in paragraph (3), to countries which are not designated in paragraph (1).

(3) Funds available for assistance under this part may not be used to furnish assistance to more than 20 countries (including those countries designated in paragraph (1)) in fiscal year 1976. Funds available for assistance under this part (other than funds appropriated under section 507 of the International Security Assistance and Arms Export Control Act of 1976) may not be used to furnish assistance to more than 12 countries (including those countries designated in paragraph (1)) in fiscal year 1977.

(4) The authority of section 2360(a) of this title and of section 2364(a) of this title may not be used to increase any amount specified in paragraph (1) or (2). The limitations contained in paragraphs (1), (2), and (3) shall not apply to emergency assistance furnished under section 2318(a) of this title.

(5) There is authorized to be appropriated to the President, for administrative and other related expenses incurred in carrying out the purposes of this part, $32,000,000 for the fiscal year 1976 and $70,000,000 for the fiscal year 1977.

(6) None of the funds appropriated under this subsection shall be used to furnish sophisticated weapons systems, such as missile systems or jet aircraft for military purposes, to any less developed country not specified in paragraph (1) unless the President determines that the furnishing of such weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress.

(7) Amounts appropriated under this subsection are authorized to remain available until expended.

(8) Assistance for Turkey under this part shall be subject to the requirements of section 2370(x) of this title.

(b) In order to make sure that a dollar spent on military assistance to foreign countries is as necessary as a dollar spent for the United States military establishment, the President shall establish procedures for programing and budgeting so that programs of military assistance come into direct competition for financial support with other activities and programs of the Department of Defense.

(Pub. L. 87-195, pt. II, § 504, Sept. 4, 1961, 75 Stat. 436; Pub. L. 88-205, pt. II, § 202(a), Dec. 16, 1963, 77 Stat. 384; Pub. L. 88-633, pt. II, § 201(b), Oct. 7, 1964, 78 Stat. 1011; Pub. L. 89-171, pt. II, § 201(b), Sept. 6, 1965, 79 Stat. 656; Pub. L. 89-583, pt. II, § 201(a), Sept. 19, 1966, 80 Stat. 802; Pub. L. 90-137, pt. II, § 201(c), Nov. 14, 1967, 81 Stat. 455; Pub. L. 90-554, pt. II, § 201(a), Oct. 8, 1968, 82 Stat. 962; Pub. L. 91-175, pt. II, § 201, Dec. 30, 1969, 83 Stat. 819; Pub. L. 92-226, pt. II, § 201(a), Feb. 7, 1972, 86 Stat. 25; Pub. L. 93-189, § 12(b)(2), Dec. 17, 1973, 87 Stat. 721; Pub. L. 93-559, § 10, Dec. 30, 1974, 88 Stat. 1798; Pub. L. 94-329, title I, § 101, June 30, 1976, 90 Stat. 729.)

REFERENCES IN TEXT

Section 507 of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (a), is section 507 of Pub. L. 94-329, which is classified as a note under section 2151 of this title.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-329 designated existing provisions as par. (1) and, in par. (1) as so redesignated, substituted provisions authorizing appropriations for the purpose of this part of $196,700,000 for fiscal 1976 and $177,300,000 for fiscal 1977, with limitations in expenditures for the specified countries, and authorizing an increase of not more than 10% of the specified amounts if the President finds it necessary for the purpose of this part, for provisions authorizing appropriations not to exceed $600,000,000 for fiscal 1975 with provisos limiting assistance under this part to thirty-one countries except for training in the United States, and prohibiting the furnishing of sophisticated weapons systems to underdeveloped countries unless the President determined that such systems were important to national security, and added pars. (2) to (8).

1974—Subsec. (a). Pub. L. 93-559 substituted "$600,000,000 for the fiscal year 1975" for "$512,500,000 for the fiscal year 1974" and designated existing provision as item (1) and added item (2).

1973—Subsec. (a). Pub. L. 93-189 substituted "$512,500,000 for the fiscal year 1974", for "$500,000,000 for the fiscal year 1972" and "thirty-one countries" for "forty countries".

1972—Subsec. (a). Pub. L. 92-226 substituted "$500,000,000 for the fiscal year 1972" for "$350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971".

1969—Subsec. (a). Pub. L. 91-175 substituted "$350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971" for "$375,000,000 for the fiscal year 1969," and added provisions cost-sharing

expenses of United States participation in the military headquarters and related agencies program.

1968—Subsec. (a). Pub. L. 90-554 substituted "1969" and "$375,000,000" for "1968" and "$510,000,000", respectively, struck out provisions which made $24,100,000 of authorization available for fiscal year 1968, for cost-sharing expenses, and which prohibited other available funds from being used for cost-sharing expenses, and prohibited use of appropriated funds for weapons systems expenditures without Presidential determination of importance to national security and report to Congress, respectively.

1967—Subsec. (a). Pub. L. 90-137 substituted provisions authorizing appropriation of $510,000,000 for fiscal year 1968 for provisions authorizing appropriation of $875,000,000 for fiscal year 1967 in addition to such amounts as may be otherwise authorized to support Vietnamese forces and other free world forces in Vietnam, made $24,100,000 of such authorization available for fiscal year 1968 for cost-sharing expenses, and prohibited other available funds from being used for such cost-sharing expenses.

1966—Subsec. (a). Pub. L. 89-583 substituted provisions authorizing appropriation of $875,000,000 for fiscal year 1967 in addition to such amounts as may be otherwise authorized to support Vietnamese forces and other free world forces in Vietnam and limiting assistance to forty countries in any fiscal year for provisions authorizing appropriation of $1,170,000,000 for fiscal year 1966 and prescribing availability of minimum of $200,000,000 for use in Vietnam for fiscal year 1965 unless otherwise determined by the President and so reported to Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House.

1965—Pub. L. 89-171 substituted "1966" and "$1,170,000,000" for "1965" and "$1,055,000,000", respectively.

1964—Subsec. (a). Pub. L. 88-633 substituted "1965" and "$1,055,000,000" for "1964" and "$1,000,000,000", respectively, and required not less than $200,000,000 to be available for fiscal year 1965 for use in Vietnam unless the President determined and reported otherwise to Congressional committees.

1963—Subsec. (a). Pub. L. 88-205 substituted "fiscal year 1964" and "$1,000,000,000, which", for "the fiscal years 1962 and 1963" and "$1,700,000,000 for each such fiscal year, which sum", respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2321i, 2321j of this title.

§ 2313. Transferred

CODIFICATION

Section, Pub. L. 87-195, pt. II, § 505(a), (b), Sept. 4, 1961, 75 Stat. 436, as amended, was renumbered §§ 502, 507(c) by Pub. L. 90-137, pt. II, § 201(d)(1), (*l*), Nov. 14, 1967, 81 Stat. 456, 457, and is now classified to section 2302 of this title.

§ 2314. Furnishing of defense articles or related training or other defense service on grant basis

(a) Conditions of eligibility

In addition to such other provisions as the President may require, no defense articles or related training or other defense service shall be furnished to any country on a grant basis unless it shall have agreed that—

(1) it will not, without the consent of the President—

(A) permit any use of such articles or related training or other defense service by anyone not an officer, employee, or agent of that country,

(B) transfer, or permit any officer, employee, or agent of that country to transfer such articles or related training or other defense service by gift, sale, or otherwise, or

(C) use or permit the use of such articles or related training or other defense service, for purposes other than those for which furnished;

(2) it will maintain the security of such articles or related training or other defense service and will provide substantially the same degree of security protection afforded to such articles or related training or other defense service by the United States Government;

(3) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of such articles or related training or other defense service; and

(4) unless the President consents to other disposition, it will return to the United States Government for such use or disposition as the President considers in the best interests of the United States, such articles or related training or other defense service which are no longer needed for the purposes for which furnished.

(b) Limitation on amount; exceptions

No defense articles shall be furnished on a grant basis to any country at a cost in excess of $3,000,000 in any fiscal year unless the President determines—

(1) that such country conforms to the purposes and principles of the Charter of the United Nations;

(2) that such defense articles will be utilized by such country for the maintenance of its own defensive strength, or the defensive strength of the free world;

(3) that such country is taking all reasonable measures, consistent with its political and economic stability, which may be needed to develop its defense capacities; and

(4) that the increased ability of such country to defend itself is important to the security of the United States.

(c) Reduction and termination of grants to countries able to maintain adequate military forces without undue economic strain

The President shall regularly reduce and, with such deliberate speed as orderly procedure and other relevant considerations, including prior commitments, will permit, shall terminate all further grants of military equipment and supplies to any country having sufficient wealth to enable it, in the judgment of the President, to maintain and equip its own military forces at adequate strength, without undue burden to its economy.

(d) Termination of assistance; report of violation by President; conditions for reinstatement

(1) Assistance and deliveries of assistance under this part to any country shall be terminated as hereinafter provided, if such country uses defense articles or defense services furnished under this chapter, the Mutual Security Act of 1954, or any predecessor Foreign Assistance Act, in substantial violation (either in terms of quantities or in terms of the gravity of the consequences regardless of the quantities involved) of any agreement entered into pursuant to any such Act (A) by using such articles

or services for a purpose not authorized under section 2302 of this title or, if such agreement provides that such articles or services may only be used for purposes more limited than those authorized under section 2302 of this title, for a purpose not authorized under such agreement; (B) by transferring such articles or services to, or permitting any use of such articles or services by, anyone not an officer, employee, or agent of the recipient country without the consent of the President; or (C) by failing to maintain the security of such articles or services.

(2)(A) Assistance and deliveries of assistance shall be terminated pursuant to paragraph (1) of this subsection if the President so determines and so states in writing to the Congress, or if the Congress so finds by joint resolution.

(B) The President shall report to the Congress promptly upon the receipt of information that a violation described in paragraph (1) of this subsection may have occurred.

(3) Assistance to a country shall remain terminated in accordance with paragraph (1) of this subsection until such time as—

(A) the President determines that the violation has ceased; and

(B) the country concerned has given assurances satisfactory to the President that such violation will not recur.

(4) The authority contained in section 2364(a) of this title may not be used to waive the provisions of this section with respect to further assistance under this part.

(e) Consent by President to transfer

In considering a request for approval of any transfer of any weapon, weapons system, munitions, aircraft, military boat, military vessel, or other implement of war to another country, the President shall not give his consent under subsection (a)(1) or (a)(4) of this section to the transfer unless the United States itself would transfer the defense article under consideration to that country. In addition, the President shall not give his consent under subsection (a)(1) or (a)(4) of this section to the transfer of any significant defense articles on the United States Munitions List unless the foreign country requesting consent to transfer agrees to demilitarize such defense articles prior to transfer, or the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense articles, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President.

(f) Disposition of defense articles furnished on a grant basis; net proceeds to be paid over to the United States

Effective July 1, 1974, no defense article shall be furnished to any country on a grant basis unless such country shall have agreed that the net proceeds of sale received by such country in disposing of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war rereceived under this part will be paid to the United States Government and shall be available to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961 [22 U.S.C. 2451 et seq.].

(g) Discrimination prohibited if based on race, religion, national origin, or sex

(1) It is the policy of the United States that no assistance under this part should be furnished to any foreign country, the laws, regulations, official policies, or governmental practices of which prevent any United States person (as defined in section 7701(a)(30) of title 26) from participating in the furnishing of defense articles or defense services under this part on the basis of race, religion, national origin, or sex.

(2)(A) No agency performing functions under this part shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

(B) Each contract entered into by any such agency for the performance of any function under this part shall contain a provision to the effect that no person, partnership, corporation, or other entity performing functions pursuant to such contract, shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

(3) The President shall promptly transmit reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate concerning any transaction in which any United States person (as defined in section 7701(a)(30) of title 26) is prevented by a foreign government on the basis of race, religion, national origin, or sex, from participating in the furnishing of assistance under this part, or education and training under part V, to any foreign country. Such reports shall include (A) a description of the facts and circumstances of any such discrimination, (B) the response thereto on the part of the United States or any agency or employee thereof, and (C) the result of such response, if any.

(4)(A) Upon the request of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, the President shall, within 60 days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Coordinator for Human Rights and Humanitarian Affairs, with respect to the country designated in such request, setting forth—

(i) all the available information about the exclusionary policies or practices of the government of such country when such policies or practices are based upon race, religion, national origin, or sex and prevent any such person from participating in a transaction involving the furnishing of any assistance under this part or any education and training under part V;

(ii) the response of the United States thereto and the results of such response;

(iii) whether, in the opinion of the President, notwithstanding any such policies or practices—

(I) extraordinary circumstances exist which necessitate a continuation of such assistance or education and training transaction, and, if so, a description of such circumstances and the extent to which such assistance or education and training transaction should be continued (subject to such conditions as Congress may impose under this section), and

(II) on all the facts it is in the national interest of the United States to continue such assistance or education and training transaction; and

(iv) such other information as such committee may request.

(B) In the event a statement with respect to an assistance or training transaction is requested pursuant to subparagraph (A) of this paragraph but is not transmitted in accordance therewith within 60 days after receipt of such request, such assistance or training transaction shall be suspended unless and until such statement is transmitted.

(C)(i) In the event a statement with respect to an assistance or training transaction is transmitted under subparagraph (A) of this paragraph, the Congress may at any time thereafter adopt a joint resolution terminating or restricting such assistance or training transaction.

(ii) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(iii) The term "certification", as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under subparagraph (A) of this paragraph.

(Pub. L. 87-195, pt. II, § 505, formerly § 506, Sept. 4, 1961, 75 Stat. 436; Pub. L. 85-565, pt. II, § 201(a), Aug. 1, 1962, 76 Stat. 259; Pub. L. 89-583, pt. II, § 201(b), Sept. 19, 1966, 80 Stat. 803, renumbered Pub. L. 90-137, pt. II, § 201(e), Nov. 14, 1967, 81 Stat. 456, and amended Pub. L. 92-226, pt. II, § 201(b), (c), Feb. 7, 1972, 86 Stat. 25; Pub. L. 93-189, § 12(b)(3), Dec. 17, 1973, 87 Stat. 721; Pub. L. 94-329, title II, §§ 203(b), 204(b)(2), title III, §§ 302(a), 304(a), June 30, 1976, 90 Stat. 735, 736, 751, 754.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(1), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Mutual Security Act of 1954, referred to in text, is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, 71 Stat. 355; June 30, 1958, Pub. L. 85-477, ch. I, §§ 101 to 103, ch. II, §§ 201 to 205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86-108, § 2, ch. I, § 101, ch. II, §§ 201 to 205(a) to (i), (k) to (n), ch. III, § 301, ch. IV, § 401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86-472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85-141, §§ 2(e) 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86-108, ch. II, §§ 205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86-472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94-329, title II, § 212(b)(1), June 30, 1976, 90 Stat 745, except for sections 1754, 1783, 1796, 1853, 1922, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables volume.

The Mutual Educational and Cultural Exchange Act of 1961, referred to in subsec. (f), is Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to chapter 33 (§ 2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables volume.

Section 601 of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (g)(4)(C), is section 601 of Pub. L. 94-329, which was not classified to the Code.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-329, § 203(b), inserted "or related training or other defense service" after "articles" wherever appearing.

Subsec. (d). Pub. L. 94-329, § 304(a), provided that either the President, by so stating in a writing to Congress, or Congress, by joint resolution, terminate assistance upon determining a violation, specified conditions for reinstatement of assistance, and denied the President the power, where a violation has been determined, of granting assistance on the basis of national security.

Subsec. (e). Pub. L. 94-329, § 204(b)(2), struck out provisions relating to the President's notification of his consent to transfer war implements to another country, in writing, to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate indicating his justification for the transfer and the particular war implement transferred.

Subsec. (g). Pub. L. 94-329 added subsec. (g).

1973—Subsecs. (e), (f). Pub. L. 93-189 added subsecs. (e) and (f).

1972—Subsec. (b)(2). Pub. L. 92-226, § 201(b), substituted "or" for "and".

Subsec. (e). Pub. L. 92-226, § 201(c), repealed provisions respecting conditions of eligibility requiring agreements for use of foreign currencies from sale of surplus commodities for common defense including internal security.

1966—Subsec. (e). Pub. L. 89-583 added subsec. (e).

1962—Subsecs. (c), (d). Pub. L. 87-565 added subsecs. (c) and (d).

EFFECTIVE DATE OF 1976 AMENDMENT

Section 203(b) of Pub. L. 94-329 provided in part that the amendment to subsec. (a) of this section by Pub. L. 94-329 shall take effect July 1, 1976.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2753 of this title.

§ 2314a. Repealed. Pub. L. 93-189, § 26(4), Dec. 17, 1973, 87 Stat. 731

Section, Pub. L. 91-672, § 9, Jan. 12, 1971, 84 Stat. 2055, related to transfer of defense articles to other countries under sections 2314(a)(1), (4) and 2753(a)(2) of this title and the prerequisites for the consent of the President to the transfer.

§§ 2315 to 2317. Transferred

CODIFICATION

Section 2315, Pub. L. 87-195, pt. II, § 507, Sept. 4, 1961, 75 Stat. 437, as amended, which related to sale of defense articles and services, manner of payment,

price of non-excess defense articles, value of excess defense articles, contracts for procurement, undertakings, and fixed-price sales agreements, was renumbered §§ 522, 523 by Pub. L. 90-137, pt. II, § 201(f), (g), Nov. 14, 1967, 81 Stat. 456, and was classified to sections 2342 and 2343 of this title, respectively.

Section 2316, Pub. L. 87-195, pt. II, § 508, Sept. 4, 1961, 75 Stat. 437, as amended, which related to reimbursements and transfers to separate fund account, was renumbered § 524 by Pub. L. 90-137, pt. II, § 201(h), Nov. 14, 1967, 81 Stat. 456, and is now classified to section 2344 of this title.

Section 2317(a), Pub. L. 87-195, pt. II, § 509(a), Sept. 4, 1961, 75 Stat. 437; Pub. L. 88-633, pt. II, § 201(d), Oct. 7, 1964, 78 Stat. 1011, related to exchanges, and was repealed by Pub. L. 90-137, pt. II, § 201(i)(1), Nov. 14, 1967, 81 Stat. 457.

Section 2317(b), Pub. L. 87-195, pt. II, § 509(b), as added Pub. L. 88-633, pt. II, § 201(d), Oct. 7, 1964, 78 Stat. 1011, which related to guaranties, was renumbered § 525 (b) by Pub. L. 90-137, pt. II, § 201(i)(2), Nov. 14, 1967, 81 Stat. 457, and was classified to section 2345(b) of this title.

§ 2318. Determination of unforeseen emergency; report to Congress; orders for defense articles and services; limitation; obligations in anticipation of reimbursements; authorization of appropriations

(a)(1) If the President first determines and reports to Congress in accordance with section 2411 of this title—

(A) that an unforeseen emergency exists which requires immediate military assistance to a foreign country or international organization;

(B) that a failure to respond immediately to that emergency will result in serious harm to vital United States security interests; and

(C) that the emergency requirement cannot be met under authority of the Arms Export Control Act [22 U.S.C. 2751 et seq.] or any other law except this section;

he may order defense articles from the stocks of the Department of Defense and defense services for the purposes of subchapter II of this chapter, subject to reimbursement from subsequent appropriations made specifically therefor under subsection (b) of this section.

(2) The total value of defense articles and defense services ordered under this subsection in any fiscal year may not exceed $67,500,000. The authority contained in this subsection shall be effective in any fiscal year only to the extent provided in an appropriation Act.

(3) The President shall keep the Congress fully and currently informed of all defense articles and defense services ordered under this subsection.

(b) The Department of Defense is authorized to incur, in applicable appropriations, obligations in anticipation of reimbursements in amounts equivalent to the value of such orders under subsection (a) of this section. Appropriations to the President of such sums as may be necessary to reimburse the applicable appropriation, fund, or account for such orders are authorized.

(Pub. L. 87-195, pt. II, § 506, formerly § 510, Sept. 4, 1961, 75 Stat. 437; Pub. L. 87-565, pt. II, § 201(d), Aug. 1, 1962, 76 Stat. 260; Pub. L. 88-205, pt. II, § 202(c), Dec. 16, 1963, 77 Stat. 384; Pub. L. 88-633, pt. II, § 201(e), Oct. 7, 1964, 78 Stat. 1012; Pub. L. 89-171, pt. II, § 201(g), Sept. 6, 1965, 79 Stat. 658; Pub. L. 89-583, pt. II, § 201(d), Sept. 19, 1966, 80 Stat. 803; renumbered and amended Pub. L. 90-137, pt. II, § 201(j), Nov. 14, 1967, 81 Stat. 457; Pub. L. 90-554, pt. II, § 201(b), Oct. 8, 1968, 82 Stat. 962; Pub. L. 91-175, pt. II, § 202, Dec. 30, 1969, 83 Stat. 820; Pub. L. 92-226, pt. II, § 201(d), pt. III, § 304(a)(2), Feb. 7, 1972, 86 Stat. 25, 28; Pub. L. 93-189, § 12(b)(4), Dec. 17, 1973, 87 Stat. 721; Pub. L. 93-559, § 11, Dec. 30, 1974, 88 Stat. 1798; Pub. L. 94-329, title I, § 102, June 30, 1976, 90 Stat. 730.)

References in Text

The Arms Export Control Act, referred to in subsec. (a)(1)(C), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables volume.

References to Subchapter II as Excluding Part IV of Subchapter II, Sections 2346 to 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

Amendments

1976—Subsec. (a). Pub. L. 94-329 redesignated existing provisions as pars. (1) to (3) and, in such provisions as so redesignated, limited the President's authority to act by adding requirements that he act only in cases of unforeseen emergencies requiring immediate military assistance to a foreign country or international organization where vital United States security interests are concerned when such emergency requirement cannot be met under authority of the Arms Export Control Act or any other law, reduced the President's authority from $150 million to $67.5 million in any fiscal year, and required current reporting to Congress on the use of such authority.

1974—Subsec. (a). Pub. L. 93-559 substituted "fiscal year 1975" for "fiscal year 1974" wherever appearing and "$150,000,000" for "$250,000,000".

1973—Subsec. (a). Pub. L. 93-189 substituted "the fiscal year 1974", "in the security interests", and "$250,000,000" for "the fiscal year 1972", "vital to the security", and "$300,000,000", respectively.

1972—Subsec. (a). Pub. L. 92-226 substituted "1972" for "1970 and the fiscal year 1971" and "the fiscal year 1972" for "each of the fiscal years 1970 and 1971", and repealed last sentence providing for prompt notice of action taken to Committees on Foreign Relations, Appropriations, and Armed Services of the Senate and Speaker of the House.

1969—Subsec. (a). Pub. L. 91-175 substituted "1970 and the fiscal year 1971" for "1969" in the first sentence, and substituted "in each of the fiscal years 1970 and 1971" for "in the fiscal year 1969" in the second sentence.

1968—Subsec. (a). Pub. L. 90-554 substituted "1969" for "1968" in two instances.

1967—Subsec. (a). Pub. L. 90-137 substituted "1968" for "1967" in two instances.

1966—Subsec. (a). Pub. L. 89-583 substituted "1967" for "1966" in two instances.

1965—Subsec. (a). Pub. L. 89-171 substituted "1966" for "1965" in two instances.

1964—Subsec. (a). Pub. L. 88-633 substituted "1965" for "1964" wherever appearing.

1963—Subsec. (a). Pub. L. 88-205 substituted "1964" for "1963" wherever appearing.

1962—Subsec. (a). Pub. L. 87-565 substituted "1963" for "1962" wherever appearing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2312, 2321j, 2360, 2364, 2370, 2392, 2411, 2415 of this title.

§§ 2319 to 2321. Repealed. Pub. L. 93-189, § 12(b)(5), Dec. 17, 1973, 87 Stat. 722

Section 2319, Pub. L. 87-195, Pt. II, § 507, formerly §§ 505(b), 511, Sept. 4, 1961, 75 Stat. 436, 438, amended Pub. L. 88-205, Pt. II, § 202(d), Dec. 16, 1963, 77 Stat. 384; Pub. L. 89-171, Pt. II, § 201(c), (h), Sept. 6, 1965, 79 Stat. 656, 658; renumbered and amended Pub. L. 90-137, Pt. II § 201(k), (*l*), Nov. 14, 1967, 81 Stat. 457; Pub. L. 90-554, Pt. II, § 201(c), Oct. 8, 1968, 82 Stat. 963; Pub. L. 92-226, Pt. II, § 201(e), Feb. 7, 1972, 86 Stat. 25, placed certain restrictions on military aid to Latin America.

Section 2320, Pub. L. 87-195, Pt. II, § 508, formerly § 512, as added Pub. L. 88-205, Pt. II, § 202(e), Dec. 16, 1963, 77 Stat. 384, and amended Pub. L. 86-633, Pt. II, § 201(f), Oct. 7, 1964, 78 Stat. 1012; Pub. L. 89-171, Pt. II, § 201(i), Sept. 6, 1965, 79 Stat. 658; Pub. L. 89-583, Pt. II, § 201(e), Sept. 19, 1966, 80 Stat. 803; renumbered and amended Pub. L. 90-137, Pt. II, § 201(m), Nov. 14, 1967, 81 Stat. 457; Pub. L. 90-554, Pt. II, § 201(d), Oct. 8, 1968, 82 Stat. 963, placed certain restrictions on military aid to African countries.

Section 2321, Pub. L. 87-195, Pt. II, § 509, formerly § 513, as added Pub. L. 88-633, Pt. II, § 201(g), Oct. 7, 1964, 78 Stat. 1012, renumbered and amended Pub. L. 90-137, Pt. II, § 201(n), Nov. 14, 1967, 81 Stat. 457, provided for the giving of certification of recipients' capabilities to utilize defense articles effectively and for the making of a report to the Speaker of the House and the Senate's Foreign Relations and Appropriations Committees whenever articles are furnished without such certification.

§ 2321a. Repealed. Pub. L. 94-329, title I, § 106(b)(1), June 30, 1976, 90 Stat. 733

Section, Pub. L. 87-195, pt. II, § 510, as added Pub. L. 91-175, pt. II, § 203, Dec. 30, 1969, 83 Stat. 820, limited the number of foreign military students to be trained in the United States out of funds appropriated under this subchapter, to not more than the number of foreign civilians brought to the United States under the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) in the immediately preceding year.

SAVINGS PROVISIONS

Section 106(c) of Pub. L. 94-329 provided that: "Except as may be expressly provided to the contrary in this Act [see Short Title of 1976 Amendment note under section 2151 of this title], all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law amended or repealed by this section [which repealed this section and amended sections 2382, 2383, 2392, 2396, and 2403 of this title] shall continue in full force and effect until modified, revoked, or superseded by appropriate authority."

§ 2321b. Excess defense article

(a) to (c) Repealed. Pub. L. 94-329, title II, § 210(c)(2), June 30, 1976, 90 Stat. 740

(d) Reports to Congress

The President shall promptly and fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems to the extent such major weapons system was not included in the presentation material previously submitted to the Congress. Additionally, the President shall also submit a quarterly report to the Congress listing by country the total value of all deliveries of excess defense articles, disclosing both the aggregate original acquisition cost and the aggregate value at the time of delivery.

(Pub. L. 91-672, § 8, Jan. 12, 1971, 84 Stat. 2054; Pub. L. 92-226, pt. IV, § 402, Feb. 7, 1972, 86 Stat. 33; Pub. L. 93-189, § 26(1)-(3), Dec. 17, 1973, 87 Stat. 731; Pub. L. 93-559, § 13, Dec. 30, 1974, 88 Stat. 1799; Pub. L. 94-329, title II, § 210(c)(2), June 30, 1976, 90 Stat. 740.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-329 struck out subsec. (a) which provided that the value of excess defense article granted to a foreign country or international organization shall be considered to be an expenditure from the funds of this chapter for military assistance, and established accounting procedure when an order for excess defense article was placed.

Subsec. (b). Pub. L. 94-329 struck out subsec. (b) which provided that in the case of excess defense articles that were generated abroad, provisions of former subsec. (a) shall apply during any fiscal year only to the extent that the aggregate value of excess defense articles ordered during that year exceeded $100,000,000.

Subsec. (c). Pub. L. 94-329 struck out subsec. (c) which defined "value" as that meaning found in section 2403m of this title, except the term shall not include a value for any excess defense article which was less than 33⅓ percent of the amount the United States paid for such article when it was acquired.

Subsec. (e). Pub. L. 94-329 struck out subsec. (e) which provided that except for excess defense articles granted under this subchapter, the provisions of this section did not apply to grants of such articles to South Vietnam prior to July 1, 1972.

1974—Subsec. (b). Pub. L. 93-559, § 13(a)(1), substituted "$100,000,000" for "$150,000,000".

Subsec. (c). Pub. L. 93-559, § 13(a)(2), added exception provision respecting definitions of value for excess defense articles.

1973—Subsec. (a). Pub. L. 93-189, § 26(1), added provision preceding cl. (1) relating to the subtraction of amounts to be transferred under section 2392(d) of this title.

Subsec. (b). Pub. L. 93-189, § 26(2), substituted "In the case of excess defense articles which are generated abroad, the provisions", for "The provisions" and "$150,000,000" for "$185,000,000".

Subsec. (c). Pub. L. 93-189, § 26(3), substituted provisions defining the term "value" as that meaning given it in section 2403(m) of this title, for provisions defining such term as not less than 33⅓ per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States.

1972—Subsec. (a). Pub. L. 92-226, § 402(1), substituted in first sentence "by any department, agency, or independent establishment of the United States Government (other than the Agency for International Development)" for "subchapter II of this chapter" and "the Foreign Assistance Act of 1961" for "that Act", codified in the text as "this chapter" and in second sentence "Unless such department, agency, or establishment certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article" for "When an order is placed under the military assistance program with the military departments for a defense article".

Subsec. (b). Pub. L. 92-226, § 402(2), substituted "$185,000,000" for "$100,000,000".

Subsec. (e). Pub. L. 92-226, § 402(3), added subsec. (e).

EFFECTIVE DATE OF 1976 AMENDMENT

Section 210(c)(2) of Pub. L. 94-329 provided in part that the amendment of subsecs. (a) to (c) and (e) by Pub. L. 94-329 is effective July 1, 1976.

TRANSFER OF SUSPENSE ACCOUNT FUNDS TO GENERAL FUND OF TREASURY

Section 210(c)(2) of Pub. L. 94-329 provided in part that all funds in the suspense account referred to in former subsec. (a) of this section on July 1, 1976, shall be transferred to the general fund of the Treasury.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2321c of this title.

§ 2321c. Definitions

For purposes of sections 2321b and 2314a of this title—

(1) "defense article" and "excess defense articles" have the same meanings as given them in subsections (d) and (g), respectively, of section 2403 of this title; and

(2) "foreign country" includes any department, agency, or independent establishment of the foreign country.

(Pub. L. 91-672, § 11, Jan. 12, 1971, 84 Stat. 2055.)

REFERENCES IN TEXT

Section 2314a, referred to in text, was repealed by Pub. L. 93-189, § 26(4), Dec. 17, 1973, 87 Stat. 731.

§ 2321d. Considerations in furnishing military assistance

Decisions to furnish military assistance made under subchapter II of this chapter shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to whether such assistance will—

(1) contribute to an arms race;

(2) increase the possibility of outbreak or escalation of conflict; or

(3) prejudice the development of bilateral or multilateral arms control arrangements.

(Pub. L. 87-195, pt. II, § 511, as added Pub. L. 92-226, pt. II, § 201(f), Feb. 7, 1972, 86 Stat. 25, and amended Pub. L. 94-141, title I, § 150(c), Nov. 29, 1975, 89 Stat. 760.)

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1975—Pub. L. 94-141 substituted "be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to" for "take into account".

§ 2321e. Repealed. Pub. L. 93-189, § 12(b)(5), Dec. 17, 1973, 87 Stat. 722

Section, Pub. L. 87-195, pt. II, § 512, as added Pub. L. 92-226, pt. II, § 201(f), Feb. 7, 1972, 86 Stat. 25, provided for the diminution and consolidation of military assistance advisory groups and missions in foreign countries.

§ 2321f. Military assistance authorizations

(a) Thailand

After June 30, 1972, no military assistance shall be furnished by the United States to Thailand directly or through any other foreign country unless that assistance is authorized under this chapter or the Foreign Military Sales Act [22 U.S.C. 2751 et seq.].

(b) Laos

After June 30, 1974, no military assistance shall be furnished by the United States to Laos directly or through any other foreign country unless that assistance is authorized under this chapter or the Foreign Military Sales Act [22 U.S.C. 2751 et seq.].

(c) South Vietnam

After June 30, 1976, no military assistance shall be furnished by the United States to South Vietnam directly or through any other foreign country unless that assistance is authorized under this chapter or the Foreign Military Sales Act [22 U.S.C. 2751 et seq.].

(Pub. L. 87-195, pt. II, § 513, as added Pub. L. 92-226, pt. II, § 201(f), Feb. 7, 1972, 86 Stat. 25, and amended Pub. L. 93-189, § 12(b)(6), Dec. 17, 1973, 87 Stat. 722; Pub. L. 93-559, § 12, Dec. 30, 1974, 88 Stat. 1798.)

REFERENCES IN TEXT

The Foreign Military Sales Act, referred to in text, is Pub. L. 90-629, ch. 1, Oct. 22, 1968, 82 Stat. 1320, as amended, now known as the Arms Export Control Act, on authority of section 201(b) of Pub. L. 94-329, title II, June 30, 1976, 90 Stat. 734, and is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables volume.

This chapter, referred to in subsec. (c), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1974—Pub. L. 93-559, § 12(1), inserted reference to South Vietnam in the heading.

Subsec. (c). Pub. L. 93-559, § 12(2), added subsec. (c).

1973—Pub. L. 93-189 designated existing provisions as subsec. (a) and added subsec. (b).

§ 2321g. Repealed. Pub. L. 93-189, § 12(b)(5), Dec. 17, 1973, 87 Stat. 722

Section, Pub. L. 87-195, pt. II, § 514, as added Pub. L. 92-226, pt. II, § 201(f), Feb. 7, 1972, 86 Stat. 26, covered special foreign country accounts, the deposit of currencies, use of special accounts for payments of certain costs, Presidential waiver authority, the nonapplicability of provisions for special accounts, and the limitations on the amount of deposits.

§ 2321h. Stockpiling of defense articles for foreign countries

(a) Transfer of defense articles

No defense article in the inventory of the Department of Defense which is set aside, reserved, or in any way earmarked or intended for future use by any foreign country may be made available to or for use by any foreign country unless such transfer is authorized under this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] or any subsequent corresponding legislation, and the value of such transfer is charged against funds authorized under such legislation or against the limitations specified in such legislation, as appropriate, for the fiscal period in which such defense article is transferred. For purposes of this subsection, "value" means the acquisition cost plus crating, packing, handling, and transportation costs incurred in carrying out this section.

(b) Fiscal year limits on new stockpiles or additions to existing stockpiles located in foreign countries

(1) The value of defense articles to be set aside, earmarked, reserved, or intended for use as war reserve stocks for allied or other foreign countries (other than for purposes of the North Atlantic Treaty Organization) in stockpiles located in foreign countries may not exceed in any fiscal year an amount greater than is specified in security assistance authorizing legislation for that fiscal year.

(2) The value of such additions to stockpiles in foreign countries shall not exceed $93,750,000 for the period beginning July 1, 1975, and ending September 30, 1976, and $125,000,000 for the fiscal year 1977.

(c) Location of stockpiles

Except for stockpiles in existence on June 30, 1976 and for stockpiles located in countries which are members of the North Atlantic Treaty Organization, no stockpile may be located outside the boundaries of a United States military base or a military base used primarily by the United States.

(d) Transferred articles not to be considered excess articles in determining value

No defense article transferred from any stockpile which is made available to or for use by any foreign country may be considered an excess defense article for the purpose of determining the value thereof.

(e) Reports to Congress

The President shall promptly report to the Congress each new stockpile, or addition to an existing stockpile, described in this section of defense articles valued in excess of $10,000,000 in any fiscal year.

(Pub. L. 87-195, pt. II, § 514, as added Pub. L. 93-559, § 15, Dec. 30, 1974, 88 Stat. 1799, and amended Pub. L. 94-329, title I, § 103, June 30, 1976, 90 Stat. 730.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Arms Export Control Act, referred to in subsec. (a), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables volume.

AMENDMENTS

1976—Subsec. (a). Pub. L. 93-329 substituted provisions prohibiting the transfer of any defense article earmarked for foreign use unless such transfer is authorized under this chapter or the Arms Export Control Act or subsequent legislation, requiring the charge-off of such transfer against funds authorized under such legislation, and defining "value", for provisions that no funds, other than funds made available under this part or section 401(a) of Pub. L. 89-367 (80 Stat. 37) be obligated for purposes of stockpiling any defense article or war reserve material if such article is earmarked for future foreign use.

Subsec. (b). Pub. L. 94-329 substituted provisions limiting the value of earmarked defense articles for allied or foreign use to an amount not greater than is specified in security assistance legislation for that fiscal year and limiting the value of additions to stockpiles in foreign countries not to exceed $93,750,000 for the period beginning July 1, 1975 and ending Sept. 30, 1976, and $125,000,000 for fiscal 1977 for provisions specifying a charge-off of the cost of any such article earmarked for use by or on behalf of the country referred to in section 401(a)(1) of Pub. L. 89-367 (80 Stat. 37) against the limitations specified in such section or subsequent legislation and against funds authorized under this part.

Subsecs. (c) to (e). Pub. L. 94-329 added subsecs. (c) to (e).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2321j of this title.

§ 2321i. Military assistance advisory groups and missions

(a) Deduction of expenditures from military assistance appropriations

During the period beginning July 1, 1976, and ending September 30, 1977, an amount equal to each sum expended under any provision of law, other than section 2312 of this title, with respect to any military assistance advisory group, military mission, or other organization of the United States performing activities similar to such group or mission, shall be deducted from the funds made available under such section 2312, and (1) if reimbursement of such amount is requested by the agency of the United States Government making the expenditure, reimbursed to that agency, or (2) if no such reimbursement is requested, deposited in the Treasury as miscellaneous receipts.

(b) Specific Congressional authorization required after September 30, 1977; military personnel attached to diplomatic missions

(1) After September 30, 1977, no military assistance advisory group, military mission, or other organization of United States military personnel performing similar military advisory functions under this chapter may operate in any foreign country unless specifically authorized by the Congress.

(2) The President may assign not more than three members of the Armed Forces of the United States to the Chief of each United States Diplomatic Mission to perform such functions as such Chief of Mission determines necessary with respect to international military

education and training provided under part V of this subchapter, to sales of defense articles and services under the Arms Export Control Act [22 U.S.C. 2751 et seq.], or to such other international security assistance programs as the President may designate. After September 30, 1977, no such functions or related activities may be performed by any defense attachés assigned, detailed, or attached to the United States Diplomatic Mission in any foreign country.

(c) Limit on number of military missions and groups

After September 30, 1976, the number of military missions, groups, and similar organizations may not exceed 34.

(d) Definitions

As used in this section, the term "military assistance advisory group, military mission, or other organization of United States military personnel performing similar military advisory functions under this chapter" does not include regular units of Armed Forces of the United States engaged in routine functions designed to bring about the standardization of military operations and procedures between the Armed Forces of the United States and allies of the United States.

(Pub. L. 87-195, pt. II, § 515, as added Pub. L. 93-559, § 16, Dec. 30, 1974, 88 Stat. 1799, and amended Pub. L. 94-329, title I, § 104, June 30, 1976, 90 Stat. 731.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b) and (d), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Arms Export Control Act, referred to in subsec. (b), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables volume.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-329, § 104(1), designated existing provisions as subsec. (a), and in subsec. (a), as so designated substituted "During the period beginning July 1, 1976, and ending September 30, 1977" for "Effective July 1, 1976".

Subsecs. (b) to (d). Pub. L. 94-329, § 104(2), added subsecs. (b) to (d).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2321j of this title.

§ 2321j. Termination of authority

(a) Except to the extent that the Congress may, subsequent to the enactment of this section, authorize the furnishing of military assistance in accordance with this part to specified countries in specified amounts, the authorities contained in this part (other than the authorities contained in sections 2318, 2321h, and 2321i(b)(2) of this title) may not be exercised after September 30, 1977, except that such authorities shall remain available until September 30, 1980, to the extent necessary to carry out obligations incurred under this part on or before September 30, 1977.

(b) Funds available to carry out this part shall be available notwithstanding the limitations contained in paragraphs (2) and (3) of section 2312(a) of this title—

(1) for the winding up of military assistance programs under this part, including payment of the costs of packing, crating, handling, and transporting defense articles furnished under this part and of related administrative costs; and

(2) for costs incurred under section 2311(c) of this title with respect to defense articles on loan to countries no longer eligible under section 2312(a) of this title for military assistance.

(Pub. L. 87-195, pt. II, § 516, as added Pub. L. 94-329, title I, § 105, June 30, 1976, 90 Stat. 732.)

§ 2322. Transferred

CODIFICATION

Section, Pub. L. 87-195, pt. II, § 521, formerly § 514, as added Pub. L. 89-583, pt. II, § 201(f), Sept. 19, 1966, 80 Stat. 803, and renumbered Pub. L. 90-137, pt. II, § 201(o)(1), Nov. 14, 1967, 81 Stat. 457, relating to the administration of sales programs, was set out as section 2341 of this title prior to its repeal by Pub. L. 90-629, § 45(a), Oct. 22, 1968, 82 Stat. 1327.

PART III—FOREIGN MILITARY SALES

§§ 2341 to 2343. Repealed. Pub. L. 90-629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327

Section 2341, Pub. L. 87-195, pt. II, § 521, formerly § 514, as added Pub. L. 89-583, pt. II, § 201(f), Sept. 19, 1966, 80 Stat. 803, renumbered and amended Pub. L. 90-137, p. II, § 201(o)(1), (3) to (7), Nov. 14, 1967, 81 Stat. 457, provided for administration of sales programs involving defense articles and services. Subsec. (a) related to encouragement of regional arms control and disarmament agreements and discouragement of arms races; reimbursable basis of acquisitions; domestic procurement; and considerations. Subsec. (b) related to limitation on military assistance and sales for American Republics; and inclusion of assistance to inter-American military force under control of Organization of American States. Subsec. (c) related to furnishing of defense articles and services; conditions; and report to Congress. Subsecs. (a) to (c) are now covered by sections 2751 and 2791, 2773, and 2753 of this title, respectively.

Section 2342, Pub. L. 87-195, pt. II, § 522, formerly § 507 (a), Sept. 4, 1961, 75 Stat. 437, amended Pub. L. 87-565, pt. II, § 201(b), Aug. 1, 1962, 76 Stat. 259; Pub. L. 89-171, pt. II, § 201(d)(1), Sept. 6, 1965, 79 Stat. 657; renumbered and amended Pub. L. 90-137, pt. II, § 201(f), Nov. 14, 1967, 81 Stat. 456, provided for sales of defense articles from stock and services, manner of payment, price of non-excess defense articles, and value of excess defense articles, and is now covered by section 2761 of this title.

Section 2343, Pub. L. 87-195, pt. II, § 523, formerly § 507(b), Sept. 4, 1961, 75 Stat. 437, amended Pub. L. 87-565, pt. II, § 201(c), Aug. 1, 1962, 76 Stat. 259; Pub. L. 88-633, pt. II, § 201(c), Oct. 7, 1964, 78 Stat. 1011; Pub. L. 89-171, pt. II, § 201(d)(2), Sept. 6, 1965, 79 Stat. 657; renumbered and amended Pub. L. 90-137, pt. II, § 201(g), Nov. 14, 1967, 81 Stat. 456, related to contracts for procurement for sales; undertakings; reimbursements; fixed-price sales agreements; prohibition against sales of articles available from commercial sources; and waiver of restrictions, and is now covered by section 2762 of this title.

EFFECTIVE DATE OF REPEAL

Sections 2341 to 2343 of this title repealed effective July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

SAVING PROVISIONS

Section 46 of Pub. L. 90-629 provided that: "Except as may be expressly provided to the contrary in this Act [see Short Title note under section 2751 of this title], all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 45(a) [sections 2341 to 2343, 2344(b)(3), 2345, 2394(g), and 2399a of this title] shall continue in full force and effect until modified by appropriate authority."

§ 2344. Reimbursements

(a) Separate fund account; transfers to such account

Whenever funds made available for use under subchapter II of this chapter have been or are used to furnish military assistance on cash or credit terms, United States dollar repayments, including dollar proceeds derived from the sale of foreign currency repayments to any agency or program of the United States Government, receipts received from the disposition of evidences of indebtedness and charges (including fees and premiums) or interest collected shall be credited to a separate fund account, and shall be available until expended solely for the purpose of financing sales and guaranties, including the overhead costs thereof, and, notwithstanding any provision of law relating to receipts and credits accruing to the United States Government, repayments in foreign currency may be used to carry out subchapter II of this chapter. Such amounts of the appropriations made available under subchapter II of this chapter (including unliquidated balances of funds heretofore obligated for financing sales and guarantees) as may be determined by the President shall be transferred to, and merged with, the separate fund account.

(b) Termination of account; special account for discharge of Federal liabilities and obligations; general fund for excess moneys

(1) The special fund account established under subsection (a) of this section shall terminate as of the end of June 30, 1968, or on such earlier date as may be selected by the President.

(2) Upon the termination of such fund account pursuant to paragraph (1), all of the assets of such fund account (including loans and other payments receivable) shall be transferred to a special account in the Treasury, which special account shall be available solely for the purpose of discharging outstanding liabilities and obligations of the United States arising out of credit sales agreements entered into, and guaranties issued, under subchapter II of this chapter prior to June 30, 1968. Any moneys in such special account in excess of the aggregate United States dollar amount of such liabilities and obligations shall be transferred from time to time to the general fund of the Treasury.

(Pub. L. 87-195, pt. II, § 524, formerly § 508, Sept. 4, 1961, 75 Stat. 437; Pub. L. 89-171, pt. II, § 201(e), Sept. 6, 1965, 79 Stat. 657; Pub. L. 89-583, pt. II, § 201(c), Sept. 19, 1966, 80 Stat. 803; renumbered and amended Pub. L. 90-137, pt. II, § 201(h), Nov. 14, 1967, 81 Stat. 456; Pub. L. 90-629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327.)

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

CODIFICATION

Section was formerly classified to section 2316 of this title.

AMENDMENTS

1968—Subsec. (b)(3). Pub. L. 90-629 repealed provisions of par. (3) which related to appropriations for financing sales, dollar value payments, general fund for payments, and exempt transactions, and is now covered by section 2763 of this title.

1967—Pub. L. 90-137 designated existing provisions as subsec. (a) and added subsec. (b).

1966—Pub. L. 89-583 provided for transfer to and merger with the separate fund account of such amounts of available appropriations (including unliquidated balances of funds heretofore obligated for financing sales and guarantees) as is determined by the President.

1965—Pub. L. 89-171 inserted "receipts received from the disposition of evidences of indebtedness and charges (including fees and premiums) or interest collected" and substituted "have been or are used" for "are used" and "financing sales and guaranties, including the overhead costs thereof" for "furnishing further military assistance on cash or credit terms."

EFFECTIVE DATE OF 1968 AMENDMENT

Repeal of subsec. (b)(3) by Pub. L. 90-629 effective July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

SAVING PROVISIONS

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of former subsec. (b)(3) of this section as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90-629, set out as a Saving Provisions note under former section 2341 of this title.

INCREASES IN MILITARY ASSISTANCE PROGRAMS; REPORTS TO CONGRESS ON PRESIDENTIAL DETERMINATIONS

Pub. L. 91-194, title I, § 100, Feb. 9, 1970, 84 Stat. 7, in part, limited increases in the military assistance program for any country to twenty per cent of the amount justified to Congress unless the President determined that such an increase was essential to the national interest of the United States and reported such determination to the Congress within thirty days after each such determination.

Similar provisions were contained in Pub. L. 90-249, title I, § 100, Jan. 2, 1968, 81 Stat. 937; Pub. L. 90-581, title I, § 100, Oct. 17, 1968, 82 Stat. 1138.

EXPENDITURES BY UNDERDEVELOPED COUNTRIES FOR WEAPONS SYSTEMS; PRESIDENTIAL DETERMINATION; REPORT TO CONGRESS

Pub. L. 91-194, title I, § 119, Feb. 9, 1970, 84 Stat. 10, directed the President to withhold economic assistance in an amount equivalent to the amount spent by any underdeveloped country for the purchase of sophisticated weapons systems from any country other than certain enumerated countries, unless the President determined that such a purchase was important

to the national security of the United States and reported such determination to Congress within thirty days after each such determination.

Similar provisions were contained in Pub. L. 90-249, title I, § 119, Jan. 2, 1968, 81 Stat. 940; Pub. L. 90-581, title I, § 119, Oct. 17, 1968, 82 Stat. 1141.

ARMS RACES AND WEAPONS SYSTEMS RESTRAINTS; PROHIBITIONS AGAINST DIVERSION OF RESOURCES FOR ECONOMIC AND AGRICULTURAL DEVELOPMENT TO MILITARY PURPOSES

Section 120 of Pub. L. 91-194, title I, Feb. 9, 1970, 84 Stat. 10, provided that:

"(a) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans, or supporting assistance to any country under this Act [Pub. L. 91-194], and before making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended [section 1691 et seq. of Title 7, Agriculture]:

"(1) the percentage of the recipient or purchasing country's budget which is devoted to military purposes,

"(2) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment; and

"(3) the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country.

"(b) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision."

§ 2345. Repealed. Pub. L. 90-629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327

Section, Pub. L. 87-195, pt. II, § 525, formerly §§ 503(e), 509(b), as added Pub. L. 88-633, pt. II, § 201 (a), (d), Oct. 7, 1964, 78 Stat. 1011, and amended Pub. L. 89-171, pt. II, § 201(f), Sept. 6, 1965, 79 Stat. 657; renumbered and amended Pub. L. 90-137, pt. II, § 201 (b)(3), (i)(2), Nov. 14, 1967, 81 Stat. 455, 457, which provided for guaranties until June 30, 1968, is now covered by section 2764 of this title.

EFFECTIVE DATE OF REPEAL

Section repealed effective July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

SAVING PROVISIONS

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued undertaken, or entered into under authority of any provision of former section 2345 of this title as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90-629, set out as a Saving Provisions note under former section 2341 of this title.

PART IV—SECURITY SUPPORTING ASSISTANCE

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 290f, 2151m, 2304, 2354, 2355, 2357, 2358, 2362, 2368, 2369, 2385, 2395, 2397, 2399c, 2421, 2427, 2442, 2443 of this title.

§ 2346. General authority; limitation on countries to receive assistance

The President is authorized to furnish assistance to friendly countries, organizations, and bodies eligible to receive assistance under this chapter on such terms and conditions as he may determine, in order to support or promote economic or political stability. The authority of this part shall not be used to furnish assistance to more than twelve countries in any fiscal year.

(Pub. L. 87-195, pt. II, § 531, as added Pub. L. 92-226, pt. II, § 202(a), Feb. 7, 1972, 86 Stat. 26.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2346a of this title.

§ 2346a. Authorization of appropriations

(a) There is authorized to be appropriated to the President to carry out the purposes of this part for the fiscal year 1976 $1,766,200,000, of which not less than $65,000,000 shall be available only for Greece, $730,000,000 shall be available only for Israel, and $705,000,000 shall be available only for Egypt, and for the fiscal year 1977 $1,860,000,000, of which not less than $785,000,000 shall be available only for Israel, not less than $750,000,000 shall be available only for Egypt, not less than $27,500,000 shall be available only for Zambia, and not less than $27,500,000 shall be available only for Zaire. Amounts appropriated under this section are authorized to remain available until expended.

(b)(1) None of the funds made available under this section for Zaire and Zambia may be used for military, guerrilla, or paramilitary activities in either such country or in any other country.

(2) Assistance furnished under this part to Zaire and Zambia for fiscal year 1977 shall not be counted for purposes of the limitation contained in the last sentence of section 2346 of this title on the number of countries which may receive assistance under this part in any fiscal year.

(Pub. L. 87-195, pt. II, § 532, as added Pub. L. 92-226, pt. II, § 202(a), Feb. 7, 1972, 86 Stat. 26, and amended Pub. L. 93-189, § 13(1), Dec. 17, 1973, 87 Stat. 722; Pub. L. 93-559, § 18, Dec. 30, 1974, 88 Stat. 1800; Pub. L. 94-329, title V, § 501(a), June 30, 1976, 90 Stat. 762.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-329 designated existing provision as subsec. (a), and in subsec. (a) as so designated, substituted "fiscal year 1976 $1,766,000,000, of which not less than $65,000,000 shall be available only for Greece, $730,000,000 shall be available only for Israel, and $705,000,000 shall be available only for Egypt, and for the fiscal year 1977 $1,860,000,000 of which not less than $785,000,000 shall be available only for Israel, not less than $750,000,000 shall be available only for Egypt, not less than $27,500,000 shall be available only for Zambia, and not less than $27,500,000 shall be available only for Zaire" for "fiscal year 1975 not to exceed $660,000,000: *Provided*, That where commodities are furnished on a grant basis under this part under arrangements which will result in the accrual of proceeds to the Government of Vietnam from the sale thereof, arrangements should be made to assure that such proceeds will not be budgeted by the Government of Vietnam for economic assistance projects or programs unless the President or

his representative has given prior written approval", and struck out the provision that none of the funds authorized be made available to the Government of Vietnam unless, beginning in January 1971, and quarterly thereafter, the President of the United States determines that the accommodation rate of exchange, and the rate of exchange for United States Government purchases of piasters for goods and services, is fair to both countries.

Subsec. (b). Pub. L. 94-329 added subsec. (b).

1974—Pub. L. 93-559 substituted "for the fiscal year 1975 not to exceed $660,000,000" for "for the fiscal year 1974 not to exceed $125,000,000, of which not less than $50,000,000 shall be available solely for Israel".

1973—Pub. L. 93-189 substituted "for the fiscal year 1974 not to exceed $125,000,000, of which not less than $50,000,000 shall be available solely for Israel", for "for the fiscal year 1972 not to exceed $618,000,000, of which not less than $50,000,000 shall be available solely for Israel".

§ 2346b. Repealed. Pub. L. 93-189, § 13(2), Dec. 17, 1973, 87 Stat. 722

Section, Pub. L. 87-195, pt. II, § 533, as added Pub. L. 92-226, pt. II, § 202(a), Feb. 7, 1972, 86 Stat. 27, provided for a Vietnam special dollar account for coverage of United States refund claims, amount in account, and maintenance of dollar level.

PART V—INTERNATIONAL MILITARY EDUCATION AND TRAINING

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2304, 2403, 2417 of this title.

§ 2347. General authority

The President is authorized to furnish, on such terms and conditions consistent with this chapter as the President may determine (but whenever feasible on a reimbursable basis), military education and training to military and related civilian personnel of foreign countries. Such training and education may be provided through—

(1) attendance at military educational and training facilities in the United States (other than Service academies) and abroad;

(2) attendance in special courses of instruction at schools and institutions of learning or research in the United States and abroad; and

(3) observation and orientation visits to military facilities and related activities in the United States and abroad.

(Pub. L. 87-195, pt. II, § 541, as added Pub. L. 94-329, title I, § 106(a), June 30, 1976, 90 Stat. 732.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

FUNDS MADE AVAILABLE PURSUANT TO OTHER PROVISIONS OF LAW

Section 106(d) of Pub. L. 94-329 provided that: "Funds made available pursuant to other provisions of law for foreign military educational and training activities shall remain available for obligation and expenditure for their original purposes in accordance with the provisions of law originally applicable to those purposes or in accordance with the provisions of law currently applicable to those purposes."

§ 2347a. Authorization of appropriations

There are authorized to be appropriated to the President to carry out the purposes of this part $27,000,000 for the fiscal year 1976 and $30,200,000 for the fiscal year 1977. After June 30, 1976, no training under this section may be conducted outside the United States unless the President has reported and justified such training to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Pub. L. 87-195, pt. II, § 542, as added Pub. L. 94-329, title I, § 106(a), June 30, 1976, 90 Stat. 732.)

§ 2347b. Congressional declaration of purpose

Education and training activities conducted under this part shall be designed—

(1) to encourage effective and mutually beneficial relations and increased understanding between the United States and foreign countries in furtherance of the goals of international peace and security; and

(2) to improve the ability of participating foreign countries to utilize their resources, including defense articles and defense services obtained by them from the United States, with maximum effectiveness, thereby contributing to greater self-reliance by such countries.

(Pub. L. 87-195, pt. II, § 543, as added Pub. L. 94-329, title I, § 106(a), June 30, 1976, 90 Stat. 733.)

SUBCHAPTER III—GENERAL AND ADMINISTRATIVE PROVISIONS

PART I—GENERAL PROVISIONS

§ 2351. Encouragement of free enterprise and private participation

(a) Policy of United States

The Congress of the United States recognizes the vital role of free enterprise in achieving rising levels of production and standards of living essential to economic progress and development. Accordingly, it is declared to be the policy of the United States to encourage the efforts of other countries to increase the flow of international trade, to foster private initiative and competition, to encourage the development and use of cooperatives, credit unions, and savings and loan associations, to discourage monopolistic practices, to improve the technical efficiency of their industry, agriculture, and commerce, and to strengthen free labor unions; and to encourage the contribution of United States enterprise toward economic strength of less developed friendly countries, through private trade and investment abroad, private participation in programs carried out under this chapter (including the use of private trade channels to the maximum extent practicable in carrying out such programs), and exchange of ideas and technical information on the matters covered by this subsection.

(b) Action by President to facilitate participation to maximum extent

In order to encourage and facilitate participation by private enterprise to the maximum

extent practicable in achieving any of the purposes of this chapter, the President shall—

(1) make arrangements to find, and draw the attention of private enterprise to, opportunities for investment and development in less-developed friendly countries and areas;

(2) establish an effective system for obtaining adequate information with respect to the activities of, and opportunities for, nongovernmental participation, in the development process, and for utilizing such information in the planning, direction, and execution of programs carried out under this chapter, and in the coordination of such programs with the ever-increasing developmental activities of nongovernmental United States institutions;

(3) accelerate a program of negotiating treaties for commerce and trade, including tax treaties, which shall include provisions to encourage and facilitate the flow of private investment to, and its equitable treatment in friendly countries and areas participating in programs under this chapter;

(4) seek, consistent with the national interest, compliance by other countries or areas with all treaties for commerce and trade and taxes, and take all reasonable measures under this chapter or other authority to secure compliance therewith and to assist United States citizens in obtaining just compensation for losses sustained by them or payments exacted from them as a result of measures taken or imposed by any country or area thereof in violation of any such treaty;

(5) to the maximum extent practicable carry out programs of assistance through private channels and to the extent practicable in conjunction with local private or governmental participation, including loans under the authority of section 2161 of this title to any individual, corporation, or other body of persons;

(6) take appropriate steps to discourage nationalization, expropriation, confiscation, seizure of ownership or control, of private investment and discriminatory or other actions having the effect thereof, undertaken by countries receiving assistance under this chapter, which divert available resources essential to create new wealth, employment, and productivity in those countries and otherwise impair the climate for new private investment essential to the stable economic growth and development of those countries;

(7) utilize wherever practicable the services of United States private enterprise (including, but not limited to, the services of experts and consultants in technical fields such as engineering); and

(8) utilize wherever practicable the services of United States private enterprise on a cost-plus incentive fee contract basis to provide the necessary skills to develop and operate a specific project or program of assistance in a less developed friendly country or area in any case in which direct private investment is not readily encouraged, and provide where appropriate for the transfer of equity ownership in such project or program to private investors at the earliest feasible time.

(c) International Private Investment Advisory Council on Foreign Aid; establishment; composition; selection of members by Administrator; duration of service; Chairman; duties of Council; compensation; travel and other expenses; funds for payment of expenses of Council

(1) There is hereby established an International Private Investment Advisory Council on Foreign Aid to be composed of such number of leading American business specialists as may be selected, from time to time, by the Administrator of the Agency for International Development for the purpose of carrying out the provisions of this subsection. The members of the Council shall serve at the pleasure of the Administrator, who shall designate one member to serve as Chairman.

(2) It shall be the duty of the Council, at the request of the Administrator, to make recommendations to the Administrator with respect to particular aspects of programs and activities under this chapter where private enterprise can play a contributing role and to act as liaison for the Administrator to involve specific private enterprises in such programs and activities.

(3) The members of the Advisory Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5 for travel and other expenses incurred by them in the performance of their functions under this subsection.

(4) The expenses of the Advisory Council shall be paid by the Administrator from funds otherwise available under this chapter.

(d) Engineering and professional services of United States firms

It is the sense of Congress that the Agency for International Development should continue to encourage, to the maximum extent consistent with the national interest, the utilization of engineering and professional services of United States firms (including, but not limited to, any corporation, company, partnership, or other association) or by an affiliate of such United States firms in connection with capital projects financed by funds authorized under this chapter.

(Pub. L. 87-195, pt. III, § 601, Sept. 4, 1961, 75 Stat. 438; Pub. L. 88-205, pt. III, § 301(a), (b), Dec. 16, 1963, 77 Stat. 385; Pub. L. 88-633, pt. III, § 301(a), (b), Oct. 7, 1964, 78 Stat. 1012; Pub. L. 89-583, pt. III, § 301(a), Sept. 19, 1966, 80 Stat. 803, 804; Pub. L. 90-137, pt. III, § 301(a), Nov. 14, 1967, 81 Stat. 458.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1967—Subsec. (c)(3). Pub. L. 90-137 substituted reference to section 5703 for former section 73b-2 of Title 5.

1966—Subsec. (b)(2). Pub. L. 89-583, § 301(a)(1), added par. (2). Former par. (2) redesignated (3).

Subsec. (b)(3) to (7). Pub. L. 89-583, § 301(a)(2), redesignated former pars. (2) to (6) as (3) to (7), respectively.

Subsec. (b)(8). Pub. L. 89-583, § 301(a)(3), added par. (8).

Subsec. (c). Pub. L. 89-583, § 301(a)(4), substituted provisions relating to International Private Investment Advisory Council on Foreign Aid for former provisions relating to Advisory Committee on Private Enterprise in Foreign Aid.

1964—Subsec. (c)(4). Pub. L. 88-633, § 301(a), substituted "June 30, 1965" for "December 31, 1964".

Subsec. (d). Pub. L. 88-633, § 301(b), added subsec. (d).

1963—Subsec. (b). Pub. L. 88-205, § 301(a), substituted "to the maximum extent practicable" for "wherever appropriate" in par. (4), and added pars. (5) and (6).

Subsec. (c). Pub. L. 88-205, § 301(b), added subsec. (c).

DELEGATION OF FUNCTIONS

Functions of the President, consisting of drawing the attention of private enterprise to opportunities for investment and development in less-developed friendly countries and areas, under subsec. (b)(1) of this section delegated to the Secretary of Commerce, see section 302 of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

TERMINATION OF ADVISORY COUNCIL

Advisory Council in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2162, 2178, 2211, 2212 of this title.

§ 2352. Small business

(a) Assistance for participation in furnishing of commodities, defense articles, and services

Insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of this chapter, the President shall assist American small business to participate equitably in the furnishing of commodities, defense articles, and services (including defense services) financed with funds made available under this chapter—

(1) by causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with such funds;

(2) by causing to be made available to prospective purchasers in the countries and areas receiving assistance under this chapter information as to such commodities, articles, and services produced by small independent enterprises in the United States; and

(3) by providing for additional services to give small business better opportunities to participate in the furnishing of such commodities, articles, and services financed with such funds.

(b) Office of Small Business

There shall be an Office of Small Business, headed by a Special Assistant for Small Business, in such agency of the United States Government as the President may direct, to assist in carrying out the provisions of subsection (a) of this section.

(c) Information with respect to certain purchases by Department of Defense

The Secretary of Defense shall assure that there is made available to suppliers in the United States, and particularly to small independent enterprises, information with respect to purchases made by the Department of Defense pursuant to subchapter II of this chapter, such information to be furnished as far in advance as possible.

(Pub. L. 87-195, pt. III, § 602, Sept. 4, 1961, 75 Stat. 439.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (a) of this section delegated to the Secretary of Defense, see section 201(b) of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

OFFICE IN DEPARTMENT OF STATE

The Office of Small Business provided for in subsec. (b) of this section located in the Department of State, see section 106 of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

PROCUREMENTS FROM SMALL BUSINESSES

Pub. L. 94-329, title VI, § 602, June 30, 1976, 90 Stat. 766, provided that: "In order to encourage procurements from small business concerns under chapter 4 of the Foreign Assistance Act of 1961 [part IV of subchapter II of this chapter], the Administrator of the Agency for International Development shall report to the Congress every six months on the extent to which small businesses have participated in procurements under such chapter [part] and on what efforts the Agency has made to foster such procurements from small business concerns. The Small Business Administration shall lend all available assistance to the Agency for the purposes of carrying out this section."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2162, 2212 of this title.

§ 2353. Shipping on United States vessels

The ocean transportation between foreign countries of commodities and defense articles purchased with foreign currencies made available or derived from funds made available under this chapter or the Agricultural Trade Development and Assistance Act of 1954, as

amended [7 U.S.C. 1691 et seq.], and transfers of fresh fruit and products thereof under this chapter, shall not be governed by the provisions of section 1241(b) of title 46, or any other law relating to the ocean transportation of commodities on United States flag vessels.

(Pub. L. 87-195, pt. III, § 603, Sept. 4, 1961, 75 Stat. 439.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in text, is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified principally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables volume.

§ 2354. Procurement

(a) Use of funds outside United States

Funds made available under this chapter may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States, and only if the price of any commodity procured in bulk is lower than the market price prevailing in the United States at the time of procurement, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(b) Purchases in bulk

No funds made available under this chapter shall be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(c) Agricultural commodities or products thereof available for disposition under Agricultural Trade Development and Assistance Act of 1954

In providing for the procurement of any agricultural commodity or product thereof available for disposition under the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.], for transfer by grant under this chapter to any recipient country in accordance with its requirements, the President shall, insofar as practicable and when in furtherance of the purposes of this chapter, authorize the procurement of such agricultural commodity only within the United States except to the extent that such agricultural commodity is not available in the United States in sufficient quantities to supply emergency requirements of recipients under this chapter.

(d) Marine insurance

In providing assistance in the procurement of commodities in the United States, United States dollars shall be made available for marine insurance on such commodities where such insurance is placed on a competitive basis in accordance with normal trade practice prevailing prior to the outbreak of World War II: *Provided*, That in the event a participating country, by statute, decree, rule, or regulation, discriminates against any marine insurance company authorized to do business in any State of the United States, then commodities purchased with funds provided hereunder and destined for such country shall be insured in the United States against marine risk with a company or companies authorized to do a marine insurance business in any State of the United States.

(e) Parity for domestic commodities prior to use of funds outside United States

No funds made available under this chapter shall be used for the procurement of any agricultural commodity or product thereof outside the United States when the domestic price of such commodity is less than parity.

(f) Commodity eligibility

No funds authorized to be made available to carry out subchapter I of this chapter shall be used under any commodity import program to make any payment to a supplier unless the supplier has certified to the agency primarily responsible for administering such subchapter I, such information as such agency shall by regulation prescribe, including, but not limited to, a description of the commodity supplied by him and its condition, and, on the basis of such information such agency shall have approved such commodity as eligible and suitable for financing under this chapter.

(Pub. L. 87-195, pt. III, § 604, Sept. 4, 1961, 75 Stat. 439; Pub. L. 89-583, pt. III, § 301(b), Sept. 19, 1966, 80 Stat. 804; Pub. L. 90-554, pt. III, § 301(a), Oct. 8, 1968, 82 Stat. 963.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (c), (e), (f), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsec. (c), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified principally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1968—Subsec. (f). Pub. L. 90-554 added subsec. (f).

1966—Subsec. (c). Pub. L. 89-583, § 301(b)(1), struck out "surplus" preceding "agricultural commodity" in three instances and inserted "or products thereof available for disposition under the Agricultural Trade Development and Assistance Act of 1954, as amended," following "commodity" where first appearing.

Subsec. (e). Pub. L. 89-583, § 301(b)(2), added subsec. (e).

§ 2355. Retention and use of certain items and funds

(a) Commodities and defense articles; disposal to prevent spoilage or wastage or to conserve usefulness; funds realized from disposal or transfer

Any commodities and defense articles procured to carry out this chapter shall be retained by, or upon reimbursement, transferred to, and for the use of, such agency of the United States Government as the President may determine in lieu of being disposed of to a foreign country or international organization, whenever in the judgment of the President the best interests of the United States will be served thereby, or whenever such retention is called for by concurrent resolution. Any commodities or defense articles so retained may be disposed of without regard to provisions of law relating to the disposal of property owned by the United States Government, when necessary to prevent spoilage or wastage of such commodities or defense articles or to conserve the usefulness thereof. Funds realized from any disposal or transfer shall revert to the respective appropriation, fund, or account used to procure such commodities or defense articles or to the appropriation, fund, or account currently available for the same general purpose.

(b) Commodities transferred as repayment of assistance

Whenever commodities are transferred to the United States Government as repayment of assistance under this chapter, such commodities may be used in furtherance of the purposes and within the limitations of this chapter.

(c) Funds realized as result of illegal transactions

Funds realized as a result of any failure of a transaction financed under authority of subchapter I of this chapter to conform to the requirements of this chapter, or to applicable rules and regulations of the United States Government, or to the terms of any agreement or contract entered into under authority of subchapter I of this chapter, shall revert to the respective appropriation, fund, or account used to finance such transaction or to the appropriation, fund, or account currently available for the same general purpose.

(d) Funds realized from sale, transfer, or disposal of returned defense articles

Funds realized by the United States Government from the sale, transfer, or disposal of defense articles returned to the United States Government by a recipient country or international organization as no longer needed for the purpose for which furnished shall be credited to the respective appropriation, fund, or account used to procure such defense articles or to the appropriation, fund, or account currently available for the same general purpose.

(Pub. L. 87-195, pt. III, § 605, Sept. 4, 1961, 75 Stat. 440; Pub. L. 89-171, pt. III, § 301(a), Sept. 6, 1965, 79 Stat. 658.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b), (c), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1965—Subsec. (c). Pub. L. 89-171 added subsec. (c). Subsec. (d). Pub. L. 89-171 added subsec. (d).

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (a) of this section delegated to the Secretary of Defense, see section 201(b) of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

§ 2356. Patents and technical information

(a) Practice of invention or disclosure of information; suits against United States for reasonable compensation; jurisdiction; limitation of action; defenses

Whenever, in connection with the furnishing of assistance under this chapter—

(1) an invention or discovery covered by a patent issued by the United States Government is practiced within the United States without the authorization of the owner, or

(2) information, which is (A) protected by law, and (B) held by the United States Government subject to restrictions imposed by the owner, is disclosed by the United States Government or any of its officers, employees, or agents in violation of such restrictions,

the exclusive remedy of the owner, except as provided in subsection (b) of this section, is to sue the United States Government for reasonable and entire compensation for such practice or disclosure in the district court of the United States for the district in which such owner is a resident, or in the Court of Claims, within six years after the cause of action arises. Any period during which the United States Government is in possession of a written claim under subsection (b) of this section before mailing a notice of denial of that claim does not count in computing the six years. In any such suit, the United States Government may plead any defense that may be pleaded by a private person in such an action. The last paragraph of section 1498(a) of title 28 shall apply to inventions and information covered by this section.

(b) Settlement of claims

Before suit against the United States Government has been instituted, the head of the agency of the United States Government con-

cerned may settle and pay any claim arising under the circumstances described in subsection (a) of this section. No claim may be paid under this subsection unless the amount tendered is accepted by the claimant in full satisfaction.

(c) Drug products manufactured outside the United States

Funds appropriated pursuant to this chapter shall not be expended by the United States Government for the acquisition of any drug product or pharmaceutical product manufactured outside the United States if the manufacture of such drug product or pharmaceutical product in the United States would involve the use of, or be covered by, an unexpired patent of the United States which has not previously been held invalid by an unappealed or unappealable judgment or decree of a court of competent jurisdiction, unless such manufacture is expressly authorized by the owner of such patent.

(Pub. L. 87-195, pt. III, § 606, Sept. 4, 1961, 75 Stat. 440.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

§ 2357. Furnishing of services and commodities

(a) Advance-of-funds or reimbursement basis

Whenever the President determines it to be consistent with and in furtherance of the purposes of subchapter I of this chapter and within the limitations of this chapter, any agency of the United States Government is authorized to furnish services and commodities on an advance-of-funds or reimbursement basis to friendly countries, international organizations, the American Red Cross, and voluntary nonprofit relief agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid. Such advances or reimbursements may be credited to the currently applicable appropriation, account, or fund of the agency concerned and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used, under the following circumstances:

(1) Advances or reimbursements which are received under this section within one hundred and eighty days after the close of the fiscal year in which such services and commodities are delivered.

(2) Advances or reimbursements received pursuant to agreements executed under this section in which reimbursement will not be completed within one hundred and eighty days after the close of the fiscal year in which such services and commodities are delivered: *Provided,* That such agreements require the payment of interest at the current rate established pursuant to section 635(b)(1)(B) of title 12, and repayment of such principal and interest does not exceed a period of three years from the date of signing of the agreement to provide the service: *Provided further,* That funds available for this paragraph in any fiscal year shall not exceed $1,000,000 of the total funds authorized for use in such fiscal year by part I of subchapter I of this chapter, and shall be available only to the extent provided in appropriation Acts. Interest shall accrue as of the date of disbursement to the agency or organization providing such services.

(b) Excess property

No Government-owned excess property shall be made available under this section, section 2358 of this title, or otherwise in furtherance of the purposes of subchapter I of this chapter, unless, before the shipment of such property for use in a specified country (or transfer, if the property is already in such country), the agency administering such subchapter I has approved such shipment (or transfer) and made a written determination—

(1) that there is a need for such property in the quantity requested and that such property is suitable for the purpose requested;

(2) as to the status and responsibility of the designated end-user and his ability effectively to use and maintain such property; and

(3) that the residual value, serviceability, and appearance of such property would not reflect unfavorably on the image of the United States and would justify the costs of packing, crating, handling, transportation, and other accessorial costs, and that the residual value at least equals the total of these costs.

(Pub. L. 87-195, pt. III, § 607, Sept. 4, 1961, 75 Stat. 441; Pub. L. 90-554, pt. III, § 301(b), Oct. 8, 1968, 82 Stat. 963; Pub. L. 94-161, title III, § 315, Dec. 20, 1975, 89 Stat. 867.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1975—Subsec. (a). Pub. L. 94-161 substituted "currently" for "current", incorporated text following "Such advances or reimbursements" in provisions designated cl. (1) and added cl. (2).

1968—Pub. L. 90-554 designated existing provisions as subsec. (a) and added subsec. (b).

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee es-

tablished by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2358 of this title; title 40 section 512.

§ 2358. Advance acquisition of property; special account for payment of costs; limitation; use of property; transfer of domestic excess property

(a) It is the sense of the Congress that in furnishing assistance under subchapter I of this chapter excess personal property shall be utilized wherever practicable in lieu of the procurement of new items for United States-assisted projects and programs. The President is authorized to maintain in a separate account, which shall, notwithstanding section 686-1 of title 31, be free from fiscal year limitation, $5,000,000 of funds made available under section 2172 of this title, which may be used to pay costs (including personnel costs) of acquisition, storage, renovation and rehabilitation, packing, crating, handling, transportation, and related costs of property classified as domestic or foreign excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), or other property, in advance of known requirements therefor for use in furtherance of the purposes of subchapter I of this chapter: *Provided*, That the amount of property classified as domestic excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended, held at any one time pursuant to this section shall not exceed $15,000,000 in total original acquisition cost. Property acquired pursuant to the preceding sentence may be furnished (1) pursuant to any provision of subchapter I of this chapter for which funds are authorized for the furnishing of assistance, in which case the separate account established pursuant to this section shall be repaid from funds made available for such provision for all costs incurred, or (2) pursuant to section 2357 of this title, in which case such separate account shall be repaid in accordance with the provisions of that section for all costs incurred.

(b) Property classified as domestic excess property under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], shall not be transferred to the agency primarily responsible for administering subchapter I of this chapter for use pursuant to the provisions of subchapter I of this chapter or section 2357 of this title unless (1) such property is transferred for use exclusively by an agency of the United States Government, or (2) it has been determined in the same manner as provided for surplus property in section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 484(j)], that such property is not needed for donation pursuant to that subsection. The foregoing restrictions shall not apply to the transfer in any fiscal year for use pursuant to the provisions of subchapter I of this chapter of amounts of such property with a total original acquisition cost to the United States Government not exceeding $45,000,000.

(Pub. L. 87-195, pt. III, § 608, Sept. 4, 1961, 75 Stat. 441; Pub. L. 89-583, pt. III, § 301(c), Sept. 19, 1966, 80 Stat. 804; Pub. L. 90-137, pt. III, § 301(b), Nov. 14, 1967, 81 Stat. 458.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. The property provisions of that Act are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of Title 40, and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1967—Subsec. (a). Pub. L. 90-137 required, in furnishing assistance under subchapter I of this chapter, utilization of excess personal property wherever practicable in lieu of new items for United States-assisted projects and programs.

1966—Subsec. (a). Pub. L. 89-583 permitted personnel costs attributable to the excess property program to be charged to the separate account for the advance acquisition of property.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2357 of this title; title 40 section 483.

§ 2359. Special accounts; establishment by recipient countries; deposits; availability and utilization; disposition of unencumbered balances

(a) In cases where any commodity is to be furnished on a grant basis under part IV of subchapter I of this chapter under arrangements which will result in the accrual of proceeds to the recipient country from the sale thereof, the President shall require the recipient country to establish a Special Account, and

(1) deposit in the Special Account, under such terms and conditions as may be agreed upon, currency of the recipient country in amounts equal to such proceeds;

(2) make available to the United States Government such portion of the Special Account as may be determined by the President to be necessary for the requirements of the United States Government: *Provided*, That such portion shall not be less than 10 per centum in the case of any country to which such minimum requirement has been applicable under any Act repealed by this chapter; and

(3) utilize the remainder of the Special Account for programs agreed to by the United States Government to carry out the purposes for which new funds authorized by this chapter would themselves be available: *Provided*, That whenever funds from such Special Account are used by a country to make loans, all funds received in repayment of such loans prior to termination of assistance to such

country shall be reused only for such purposes as shall have been agreed to between the country and the United States Government.

(b) Any unencumbered balances of funds which remain in the Account upon termination of assistance to such country under this chapter shall be disposed of for such purposes as may, subject to approval by Act of the Congress, be agreed to between such country and the United States Government.

(Pub. L. 87-195, pt. III, § 609, Sept. 4, 1961, 75 Stat. 442.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

REFERENCES TO PART IV OF SUBCHAPTER I, SECTIONS 2241 TO 2243, DEEMED REFERENCES TO PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2360. Transfer of funds between accounts

(a) Necessity of transfer; limitations

Whenever the President determines it to be necessary for the purposes of this chapter, not to exceed 10 per centum of the funds made available for any provision of this chapter (except funds made available pursuant to subpart IV of part II of subchapter I of this chapter) may be transferred to, and consolidated with, the funds made available for any other provision of this chapter (except funds made available under part II of subchapter II of this chapter), and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 20 per centum of the amount to funds made available for such provision.

(b) Augmentation of other appropriations

The authority contained in this section and in sections 2261, 2318 and 2364 of this title, shall not be used to augment appropriations made available pursuant to sections 2396(g)(1) and 2397 of this title or used otherwise to finance activities which normally would be financed from appropriations for administrative expenses. Not to exceed $9,000,000 of the funds appropriated under section 2242 of this title for any fiscal year may be transferred to and consolidated with appropriations made under section 2397(a) of this title for the same fiscal year, subject to the further limitation that funds so transferred shall be available solely for additional administrative expenses incurred in connection with programs in Vietnam.

(c) Military and development assistance purposes

Any funds which the President has notified Congress pursuant to section 2413 of this title that he intends to provide in military assistance to any country may be transferred to, and consolidated with, any other funds he has notified Congress pursuant to such section that he intends to provide to that country for development assistance purposes.

(Pub. L. 87-195, pt. III, § 610, Sept. 4, 1961, 75 Stat. 442; Pub. L. 87-565, pt. III, § 301(a), Aug. 1, 1962, 76 Stat. 260; Pub. L. 89-371, § 3, Mar. 18, 1966, 80 Stat. 74; Pub. L. 89-583, pt. III, § 301(d), Sept. 19, 1966, 80 Stat. 804; Pub. L. 90-137, pt. III, § 301(c), Nov. 14, 1967, 81 Stat. 458; Pub. L. 91-175, pt. III, § 301, Dec. 30, 1969, 83 Stat. 820; Pub. L. 93-559, § 19(a), Dec. 30, 1974, 88 Stat. 1800.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

Section 2242 of this title, referred to in subsec. (b), was repealed by Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27. Reference to section 2242 of this title deemed reference to section 2346a of this title. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-559, § 19(a)(1), added provisions excepting funds made available under part II of subchapter II of this chapter from the designation of funds subject to consolidation.

Subsec. (c). Pub. L. 93-559, § 19(a)(2), added subsec. (c).

1969—Subsec. (a). Pub. L. 91-175 added provision excepting funds made available pursuant to subpart IV of part II of subchapter I of this chapter form the designation of funds subject to consolidation.

1967—Subsec. (b). Pub. L. 90-137 increased limitation on funds available for transfer from $5,000,000 to $9,000,000.

1966—Subsec. (b). Pub. L. 89-583 substituted provisions authorizing transfer of $5,000,000 for administrative expenses for any fiscal year incurred in connection with programs in Vietnam for provisions authorizing transfer of $1,400,000 for administrative expenses for fiscal year 1966 incurred in connection with programs in the Republic of Vietnam.

Pub. L. 89-371 authorized transfer of $1,400,000 for administrative expenses for fiscal year 1966 incurred in connection with programs in the Republic of Vietnam.

1962—Pub. L. 87-565 designated existing provisions as subsec. (a) and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151g, 2161, 2222, 2312, 2364, 2394, 2411 of this title.

§ 2361. Completion of plans and cost estimates

(a) Restriction on agreements or grants

No agreement or grant which constitutes an obligation of the United States Government in excess of $100,000 under section 200 of title 31 shall be made for any assistance authorized under subparts I, II, and VI of part II and part IV of subchapter I of this chapter—

(1) if such agreement or grant requires substantive technical or financial planning, until engineering, financial, and other plans neces-

sary to carry out such assistance, and a reasonably firm estimate of the cost to the United States Government of providing such assistance, have been completed; and

(2) if such agreement or grant requires legislative action within the recipient country, unless such legislative action may reasonably be anticipated to be completed in time to permit the orderly accomplishment of the purposes of such agreement or grant.

(b) Plans for water or related land resource construction projects; computation of benefits and costs

Plans required under subsection (a) of this section for any water or related land resource construction project or program shall include a computation of benefits and costs made insofar as practicable in accordance with the procedures set forth in the Memorandum of the President dated May 15, 1962, with respect to such computations.

(c) Contracts for construction outside United States; competitive basis

To the maximum extent practicable, all contracts for construction outside the United States made in connection with any agreement or grant subject to subsection (a) of this section shall be made on a competitive basis.

(d) Engineering, financial, and other plans

Subsection (a) of this section shall not apply to any assistance furnished for the sole purpose of preparation of engineering, financial, and other plans.

(e) Certification of country capability to maintain and utilize projects as prerequisite to assistance for capital projects exceeding cost limitations

In addition to any other requirements of this section, no assistance authorized under subparts I, II, or VI of part II or part IV of subchapter I of this chapter shall be furnished with respect to any capital assistance project estimated to cost in excess of $1,000,000 until the head of the agency primarily responsible for administering subchapter I of the chapter has received and taken into consideration a certification from the principal officer of such agency in the country in which the project is located as to the capability of the country (both financial and human resources) to effectively maintain and utilize the project taking into account among other things the maintenance and utilization of projects in such country previously financed or assisted by the United States.

(Pub. L. 87-195, pt. III, § 611, Sept. 4, 1961, 75 Stat. 442; Pub. L. 87-565, pt. III, § 301(b), Aug. 1, 1962, 76 Stat. 260; Pub. L. 88-205, pt. III, § 301(c), Dec. 16, 1963, 77 Stat. 385; Pub. L. 90-137, pt. II, § 301(d), Nov. 14, 1967, 81 Stat. 458.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (e), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

REFERENCES TO PART IV OF SUBCHAPTER I, SECTIONS 2241 TO 2243, AS REFERENCES TO PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b; SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1967—Subsec. (e). Pub. L. 90-137 added subsec. (e).

1963—Subsec. (b). Pub. L. 88-205 substituted "the Memorandum of the President dated May 15, 1962," for "circular A-47 of the Bureau of the Budget."

1962—Subsec. (a). Pub. L. 87-565 included subpart VI of part II of subchapter I of this chapter within the restriction.

§ 2362. Use of foreign currencies

(a) Currencies received in payment for nonmilitary assistance; foreign obligations

Except as otherwise provided in this chapter or other Acts, foreign currencies received either (1) as a result of the furnishing of nonmilitary assistance under the Mutual Security Act of 1954, as amended, or any Act repealed thereby, and unobligated on September 3, 1961, or (2) on or after September 4, 1961, as a result of the furnishing of nonmilitary assistance under the Mutual Security Act of 1954, as amended, or any Act repealed thereby, or (3) as a result of the furnishing of assistance under subchapter I of this chapter, which are in excess of amounts reserved under authority of section 2455(d) of this title or any other Act relating to educational and cultural exchanges, may be sold by the Secretary of the Treasury to agencies of the United States Government for payment of their obligations outside the United States, and the United States dollars received as reimbursement shall be deposited into miscellaneous receipts of the Treasury. Foreign currencies so received which are in excess of the amounts so reserved and of the requirements of the United States Government in payment of its obligations outside the United States, as such requirements may be determined from time to time by the President, shall be available for the authorized purposes of subchapter I of this chapter in such amounts as may be specified from time to time in appropriation Acts.

(b) United States operations abroad; excess foreign currencies

Any Act of the Congress making appropriations to carry out programs under this chapter or any other Act for United States operations abroad is hereby authorized to provide for the utilization of United States-owned excess foreign currencies to carry out any such operations authorized by law.

As used in this subsection, the term "excess foreign currencies" means foreign currencies or credits owned by or owed to the United States which are, under applicable agreements with the foreign country concerned, available for the use of the United States Government and are

determined by the President to be excess to the normal requirements of departments and agencies of the United States for such currencies or credits and are not prohibited from use under this subsection by an agreement entered into with the foreign country concerned.

The President shall take all appropriate steps to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars. Dollar funds made available pursuant to this chapter shall not be expended for goods and services when United States-owned foreign currencies are available for such purposes unless the administrative official approving the voucher certifies as to the reason for the use of dollars in each case.

(c) Voluntary family planning programs; limitation

In addition to funds otherwise available, excess foreign currencies, as defined in subsection (b) of this section, may be made available to friendly foreign governments and to private, nonprofit United States organizations to carry out voluntary family planning programs in countries which request such assistance. No such program shall be assisted unless the President has received assurances that in the administration of such program the recipient will take reasonable precautions to insure that no person receives any family planning assistance or supplies unless he desires such services. The excess foreign currencies made available under this subsection shall not, in any one year, exceed 5 per centum of the aggregate of all excess foreign currencies. As used in this subsection, the term "voluntary family planning program" includes, but is not limited to, demographic studies, medical and psychological research, personnel training, the construction and staffing of clinics and rural health centers, specialized training of doctors and paramedical personnel, the manufacture of medical supplies, and the dissemination of family planning information, medical assistance, and supplies to individuals who desire such assistance.

(d) Reciprocal release of dollar value equivalents

In furnishing assistance under this chapter to the government of any country in which the United States owns excess foreign currencies as defined in subsection (b) of this section, except those currencies generated under the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.], the President shall endeavor to obtain from the recipient country an agreement for the release, on such terms and conditions as the President shall determine, of an amount of such currencies up to the equivalent of the dollar value of assistance furnished by the United States for programs as may be mutually agreed upon by the recipient country and the United States to carry out the purposes for which new funds authorized by this chapter would themselves be available.

(Pub. L. 87-195, pt. III, § 612, Sept. 4, 1961, 75 Stat. 443; Pub. L. 88-633, pt. III, § 301(c), Oct. 7, 1964, 78 Stat. 1012; Pub. L. 89-171, pt. III, § 301(b), Sept. 6, 1965, 79 Stat. 659; Pub. L. 89-583, pt. III, § 301(e), Sept. 19, 1966, 80 Stat. 805; Pub. L. 91-175, pt. III, § 302, Dec. 30, 1969, 83 Stat. 820.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Mutual Security Act of 1954, referred to in text, is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, 71 Stat. 355; June 30, 1958, Pub. L. 85-477, ch. 1, §§ 101 to 103, ch. II, §§ 201 to 205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86-108, § 2, ch. 1, § 101, ch. II, §§ 201 to 205(a) to (i), (k) to (n), ch. III, § 301, ch. IV, § 401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86-472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85-141, §§ 2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86-108, ch. II, §§ 205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86-472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94-329, title II, § 212(b)(1), June 30, 1976, 90 Stat 745, except for sections 1754, 1783, 1796, 1853, 1922, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables volume.

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsec. (d), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified principally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1969—Subsec. (d). Pub. L. 91-175 added subsec. (d).

1966—Subsec. (c). Pub. L. 89-583 added subsec. (c).

1965—Subsec. (b). Pub. L. 89-171 prohibited dollar funds made available pursuant to this chapter from being expended for goods and services when United States-owned foreign currencies are available for such purposes unless the administrative official approving the voucher certifies as to the reason for the use of dollars in each case.

1964—Subsec. (b). Pub. L. 88-633 added subsec. (b).

DELEGATION OF FUNCTIONS

Functions of the President under the second sentence of this section delegated to the Secretary of the Treasury, see section 301 of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1754 of this title.

§ 2363. Accounting, valuation, reporting, and administration of foreign currencies

(a) Responsibility of Secretary of the Treasury; regulations

Under the direction of the President, the Secretary of the Treasury shall have responsibility for valuation and central accounting with respect to foreign credits (including currencies) owed to or owned by the United States. In order to carry out such responsibility the Secretary shall issue regulations binding upon all agencies of the Government.

(b) Establishment of exchange rates

The Secretary of the Treasury shall have sole authority to establish for all foreign currencies or credits the exchange rates at which such currencies are to be reported by all agencies of the Government.

(c) Semi-annual reports to Treasury Department by agencies and departments; reports to Congress

Each agency or department shall report to the Secretary of the Treasury an inventory as of June 30, 1961, showing the amount of all foreign currencies acquired without payment of dollars on hand of each of the respective countries, and the Secretary of the Treasury shall consolidate these reports as of the same date and submit to the Congress this consolidated report broken down by agencies, by countries, by units of foreign currencies and their dollar equivalent. Thereafter, semiannually, similar reports are to be submitted by the agencies to the Treasury Department and then presented to the Congress by the Secretary of the Treasury. After submission of the reports required to reflect inventories as of December 31, 1975, inventories shall be reported as of September 30, 1976, and semiannually thereafter.

(d) Interest income on foreign currency proceeds; regulations; waiver; report to Congress

In case where assistance is to be furnished to any recipient country in furtherance of the purposes of this chapter or any other Act on a basis which will result in the accrual of foreign currency proceeds to the United States, the Secretary of the Treasury shall issue regulations requiring that agreements, in respect of such assistance, include provisions for the receipt of interest income on the foreign currency proceeds deposited in authorized depositaries: *Provided*, That whenever the Secretary of State determines it not to be in the national interest to conclude arrangements for the receipt of interest income he may waive the requirement thereof: *Provided further*, That the Secretary of State, or his delegate, shall promptly make a complete report to the Congress on each such determination and the reasons therefor.

(Pub. L. 87-195, pt. III, § 613, Sept. 4, 1961, 75 Stat. 443; Pub. L. 89-171, pt. III, § 301(c), Sept. 6, 1965, 79 Stat. 659; Pub. L. 94-273, § 46, Apr. 21, 1976, 90 Stat. 382.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (d), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1976—Subsec. (c). Pub. L. 94-273 added provision relating to reports after Dec. 31, 1975.

1965—Subsec. (d). Pub. L. 89-171 added subsec. (d).

§ 2364. Special authorities

(a) Use of funds and furnishing of assistance upon determination that authorization is important to security of United States; transfers between accounts

The President may authorize in each fiscal year the use of funds made available for use under this chapter and the furnishing of assistance under section 2318 of this title in a total amount not to exceed $250,000,000 and the use of not to exceed $100,000,000 of foreign currencies accruing under this chapter or any other law, without regard to the requirements of this chapter, any law relating to receipts and credits accruing to the United States, any Act appropriating funds for use under this chapter, or the Mutual Defense Assistance Control Act of 1951 [22 U.S.C. 1611 et seq.], in furtherance of any of the purposes of such Acts, when the President determines that such authorization is important to the security of the United States. Not more than $50,000,000 of the funds available under this subsection may be allocated to any one country in any fiscal year. The limitation contained in the preceding sentence shall not apply to any country which is a victim of active Communist or Communist-supported aggression. The authority of this section shall not be used to waive the limitations on transfers contained in section 2360(a) of this title.

(b) United States obligations in West Germany

Whenever the President determines it to be important to the national interest, he may use funds available for the purposes of part IV of subchapter I of this chapter in order to meet the responsibilities or objectives of the United States in Germany, including West Berlin, and without regard to such provisions of law as he determines should be disregarded to achieve this purpose.

(c) Certification by President of inadvisability to specify nature of use of funds; reports to Congress

The President is authorized to use amounts not to exceed $50,000,000 of the funds made available under this chapter pursuant to his certification that it is inadvisable to specify the nature of the use of such funds, which certification shall be deemed to be a sufficient voucher for such amounts. The President shall promptly and fully inform the Speaker of the House of Representatives and the chairman and ranking minority member of the Committee on Foreign Relations of the Senate of each use of funds under this subsection.

(Pub. L. 87-195, pt. III, § 614, Sept. 4, 1961, 75 Stat. 444; Pub. L. 89-583, pt. III, § 301(f), (g), Sept. 19, 1966, 80 Stat. 805; Pub. L. 90-137, pt. III, § 301(e), Nov. 14, 1967, 81 Stat. 459; Pub. L. 93-559, § 19(b), Dec. 30, 1974, 88 Stat. 1800.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the

Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Mutual Defense Assistance Control Act of 1951, referred to in subsec. (a), is act Oct. 26, 1951, ch. 575, 65 Stat. 645, as amended, which is classified generally to chapter 20A (§ 1611 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1611 of this title and Tables volume.

REFERENCES TO PART IV OF SUBCHAPTER I, SECTIONS 2241 TO 2243, DEEMED REFERENCES TO PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See. Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-559 provided that the authority of the section shall not be used to waive the limitations on transfers contained in section 2360(a) of this title.

1967—Subsec. (a). Pub. L. 90-137 substituted "506" for "510", classified to the Code as section 2318 of this title.

1966—Subsec. (a). Pub. L. 89-583, § 301(f), provided that the $50,000,000 limitation on allocation of funds to any country in any one fiscal year shall not apply to any country which is a victim of active Communist or Communist-supported aggression.

Subsec. (c). Pub. L. 89-583, § 301(g), added provision for reports to Congress of use of funds under this subsec.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151g, 2151m, 2161, 2211, 2222, 2312, 2314, 2360, 2384, 2394, 2411, 2413 of this title.

§ 2365. Contract authority

Provisions of this chapter authorizing the appropriation of funds shall be construed to authorize the granting in any appropriation Act of authority to enter into contracts, within the amounts so authorized to be appropriated, creating obligations in advance of appropriations.

(Pub. L. 87-195, pt. III, § 615, Sept. 4, 1961, 75 Stat. 444.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

§ 2366. Availability of funds

Except as otherwise provided in this chapter, funds shall be available to carry out the provisions of this chapter as authorized and appropriated to the President each fiscal year.

(Pub. L. 87-195, pt. III, § 616, Sept. 4, 1961, 75 Stat. 444.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

ADMINISTRATION OF FUNDS

Pub. L. 87-329, title I, § 112, Sept. 30, 1961, 75 Stat. 719 provided that funds appropriated under Pub. L. 87-329, popularly known as the Foreign Assistance and Related Agencies Appropriation Act, 1962, should be administered with a favorable view toward those recipient nations which share the view of the United States on the world crisis.

§ 2367. Termination of assistance; availability of funds for winding up programs

Assistance under any provision of this chapter may, unless sooner terminated by the President, be terminated by concurrent resolution. Funds made available under this chapter shall remain available for a period not to exceed eight months from the date of termination of assistance under this chapter for the necessary expenses of winding up programs related thereto.

(Pub. L. 87-195, pt. III, § 617, Sept. 4, 1961, 75 Stat. 444; Pub. L. 93-189, § 14, Dec. 17, 1973, 87 Stat. 722.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1973—Pub. L. 93-189 substituted "eight months" for "twelve months".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2151n of this title.

§ 2368. Use of settlement receipts

United States dollars directly paid to the United States under the Agreement Between the United States of America and Japan Regarding the Settlement of Postwar Economic Assistance to Japan may be appropriated or otherwise made available to the President in any appropriation Act, within the limitations of subchapter I of this chapter, to carry out the provisions of that subchapter.

(Pub. L. 87-195, pt. III, § 618, as added Pub. L. 87-565, pt. III, § 301(c), Aug. 1, 1962, 76 Stat. 260.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

PRIOR PROVISIONS

A former section 618 of Pub. L. 87-195, relating to economic assistance to Latin America, was repealed by section 301(c) of Pub. L. 87-565.

§ 2369. Assistance to newly independent countries

Assistance under subchapter I of this chapter to newly independent countries shall, to the maximum extent appropriate in the circumstances of each case, be furnished through multilateral organizations or in accordance with multilateral plans, on a fair and equitable basis with due regard to self-help.

(Pub. L. 87-195, pt. III, § 619, Sept. 4, 1961, 75 Stat. 444.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2370. Prohibitions against furnishing assistance

(a) Cuba; embargo on all trade

(1) No assistance shall be furnished under this chapter to the present government of Cuba; nor shall any such assistance be furnished to any country which furnishes assistance to the present government of Cuba unless the President determines that such assistance is in the national interest of the United States. As an additional means of implementing and carry into effect the policy of the preceding sentence, the President is authorized to establish and maintain a total embargo upon all trade between the United States and Cuba.

(2) Except as may be deemed necessary by the President in the interest of the United States, no assistance shall be furnished under this chapter to any government of Cuba, nor shall Cuba be entitled to receive any quota authorizing the importation of Cuban sugar into the United States or to receive any other benefit under any law of the United States, until the President determines that such government has taken appropriate steps according to international law standards to return to United States citizens, and to entities not less than 50 per centum beneficially owned by United States citizens, or to provide equitable compensation to such citizens and entities for property taken from such citizens and entities on or after January 1, 1959, by the Government of Cuba.

(3) No funds authorized to be made available under this chapter (except under section 2174 of this title) shall be used to furnish assistance to any country which has failed to take appropriate steps, not later than 60 days after December 16, 1963—

(A) to prevent ships or aircraft under its registry from transporting to Cuba (other than to United States installations in Cuba)—

(i) any items of economic assistance,

(ii) any items which are, for the purposes of title I of the Mutual Defense Assistance Control Act of 1951, as amended [22 U.S.C. 1611 et seq.], arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, or items of primary strategic significance used in the production of arms, ammunition, and implements of war, or

(iii) any other equipment, materials, or commodities,

so long as Cuba is governed by the Castro regime; and

(B) to prevent ships or aircraft under its registry from transporting any equipment, materials, or commodities from Cuba (other than from United States installations in Cuba) so long as Cuba is governed by the Castro regime.

(b) Presidential determination of domination or control by international Communist movement

No assistance shall be furnished under this chapter to the government of any country unless the President determines that such country is not dominated or controlled by the international Communist movement.

(c) Indebtedness of foreign country to United States citizen or person

No assistance shall be provided under this chapter to the government of any country which is indebted to any United States citizen or person for goods or services furnished or ordered where (i) such citizen or person has exhausted available legal remedies, which shall include arbitration, or (ii) the debt is not denied or contested by such government, or (iii) such indebtedness arises under an unconditional guaranty of payment given by such government, or any predecessor government, directly or indirectly, through any controlled entity: *Provided,* That the President does not find such action contrary to the national security.

(d) Productive enterprises competing with United States enterprise; conditions on assistance; import controls; waiver of restriction by President

No assistance shall be furnished under section 2161 of this title for construction or operation of any productive enterprise in any country where such enterprise will compete with United States enterprise unless such country has agreed that it will establish appropriate procedures to prevent the exportation for use or consumption in the United States of more than twenty per centum of the annual production of such facility during the life of the loan. In case of failure to implement such agreement by the other contracting party, the President is authorized to establish necessary import controls to effectuate the agreement. The restrictions imposed by or pursuant to this subsection may be waived by the President where he determines that such waiver is in the national security interest.

(e) Nationalization, expropriation or seizure of property of United States citizens, or taxation or other exaction having same effect; failure to compensate or to provide relief from taxes, exactions, or conditions; report on full value of property by Foreign Claims Settlement Commission; act of state doctrine

(1) The President shall suspend assistance to the government of any country to which assistance is provided under this chapter or any other Act when the government of such country or any government agency or subdivision

within such country on or after January 1, 1962—

(A) has nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(B) has taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(C) has imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned,

and such country, government agency, or government subdivision fails within a reasonable time (not more than six months after such action, or, in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received) to take appropriate steps, which may include arbitration, to discharge its obligations under international law toward such citizen or entity, including speedy compensation for such property in convertible foreign exchange, equivalent to the full value thereof, as required by international law, or fails to take steps designed to provide relief from such taxes, exactions, or conditions, as the case may be; and such suspension shall continue until the President is satisfied that appropriate steps are being taken, and provisions of this subsection shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interests of the United States. Such certification shall be reported immediately to Congress.

Upon request of the President (within seventy days after such action referred to in subparagraphs (A), (B), or (C) of this paragraph, the Foreign Claims Settlement Commission of the United States (established pursuant to Reorganization Plan No. 1 of 1954, 68 Stat. 1279) is hereby authorized to evaluate expropriated property, determining the full value of any property nationalized, expropriated, or seized, or subjected to discriminatory or other actions as aforesaid, for purposes of this subsection and to render an advisory report to the President within ninety days after such request. Unless authorized by the President, the Commission shall not publish its advisory report except to the citizen or entity owning such property. There is hereby authorized to be appropriated such amount, to remain available until expended, as may be necessary from time to time to enable the Commission to carry out expeditiously its functions under this subsection.

(2) Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which a claim of title or other rights to property is asserted by any party including a foreign state (or a party claiming through such state) based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in this subsection: *Provided*, That this subparagraph shall not be applicable (1) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right to property acquired pursuant to an irrevocable letter of credit of not more than 180 days duration issued in good faith prior to the time of the confiscation or other taking, or (2) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court.

(f) Prohibition against assistance to Communist countries; conditions for waiver of restriction by President; enumeration of Communist countries

No assistance shall be furnished under this chapter, (except section 2174(b) of this title) to any Communist country. This restriction may not be waived pursuant to any authority contained in this chapter unless the President finds and promptly reports to Congress that: (1) such assistance is vital to the security of the United States; (2) the recipient country is not controlled by the international Communist conspiracy; and (3) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase "Communist country" shall include specifically, but not be limited to, the following countries:

Peoples Republic of Albania,
Peoples Republic of Bulgaria,
Peoples Republic of China,
Czechoslovak Socialist Republic,
German Democratic Republic (East Germany),
Estonia,
Hungarian Peoples Republic,
Latvia,
Lithuania,
North Korean Peoples Republic,
North Vietnam,
Outer Mongolia-Mongolian Peoples Republic,
Polish Peoples Republic,
Rumanian Peoples Republic,
Tibet,
Federal Peoples Republic of Yugoslavia,
Cuba, and
Union of Soviet Socialist Republics (including its captive constituent republics).

(g) Use of assistance funds to compersate owners for expropriated or nationalized property

Notwithstanding any other provision of law, no monetary assistance shall be made available under this chapter to any government or political subdivision or agency of such government which will be used to compensate owners for expropriated or nationalized property and, upon finding by the President that such assistance has been used by any government for

such purpose, no further assistance under this chapter shall be furnished to such government until appropriate reimbursement is made to the United States for sums so diverted.

(h) Regulations and procedures to insure aid is not used contrary to the best interests of the United States

The President shall adopt regulations and establish procedures to insure that United States foreign aid is not used in a manner which, contrary to the best interests of the United States, promotes or assists the foreign aid projects or activities of the Communist-bloc countries.

(i) Denial of assistance to countries preparing for aggressive military efforts

No assistance shall be provided under this chapter or any other Act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.], to any country which the President determines is engaging in or preparing for aggressive military efforts, or which hereafter is officially represented at any international conference when that representation includes the planning of activities involving insurrection or subversion, which military efforts, insurrection, or subversion, are directed against—

(1) the United States,

(2) any country receiving assistance under this chapter or any other Act, or

(3) any country to which sales are made under the Agricultural Trade Development and Assistance Act of 1954,

until the President determines that such military efforts or preparations have ceased, or such representation has ceased, and he reports to the Congress that he has received assurances satisfactory to him that such military efforts or preparations will not be renewed, or that such representation will not be renewed or repeated. This restriction may not be waived pursuant to any authority contained in this chapter.

(j) Damage or destruction by mob action of United States property; termination of assistance

The President shall consider terminating assistance under this chapter or any other Act to any country which permits, or fails to take adequate measures to prevent, the damage or destruction by mob action of United States property within such country, and fails to take appropriate measures to prevent a recurrence thereof and to provide adequate compensation for such damage or destruction.

(k) Maximum amount of assistance, including military assistance to individual countries without approval of or presentation to Congress

Without the express approval of Congress, no assistance shall be furnished under this chapter to any country for construction of any productive enterprise with respect to which the aggregate value of assistance to be furnished by the United States will exceed $100,000,000, except that this sentence does not apply with respect to assistance for construction of any productive enterprise in Egypt which is described in the presentation materials to Congress for fiscal year 1977. Except as otherwise provided in section 2318 of this title, no military assistance shall be furnished to any country under this chapter for carrying out any program, with respect to which the aggregate value of assistance to be furnished beginning July 1, 1966, by the United States will exceed $100,000,000 unless such program has been included in the presentation to the Congress during its consideration of authorizations for appropriations under this chapter or of appropriations pursuant to authorizations contained in this chapter. No provision of this chapter or any other Act shall be construed to authorize the President to waive the provisions of this subsection.

(l) Institution of investment guaranty program

The President shall consider denying assistance under this chapter to the government of any less developed country which, after December 31, 1966, has failed to enter into an agreement with the President to institute the investment guaranty program under section 2181(b)(1) of this title, providing protection against the specific risks of inconvertibility under subparagraph (A), and expropriation or confiscation under subparagraph (B), of such section 2181(b)(1).

(m) Grants to nations able to sustain burden of defense and economic growth

No assistance shall be furnished on a grant basis under this chapter to any economically developed nation capable of sustaining its own defense burden and economic growth, except (1) to fulfill firm commitments made prior to July 1, 1963, or (2) additional orientation and training expenses under subchapter II of this chapter during each fiscal year in an amount not to exceed $500,000.

(n) Prohibition of assistance to countries engaged in North Vietnam trade; national interest determination by President

No loans, credits, guaranties, or grants or other assistance shall be furnished under this chapter or any other Act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.], to any country which sells or furnishes to North Vietnam, or which permits ships or aircraft under its registry to transport to or from North Vietnam, any equipment, materials, or commodities, so long as the regime in North Vietnam gives support to hostilities in South Vietnam, unless the President determines that such loans, credits, guaranties, grants, other assistance, or sales are in the national interest of the United States.

(o) Exclusion from assistance of countries seizing or imposing penalties or sanctions against United States fishing vessels

In determining whether or not to furnish assistance under this chapter, consideration shall be given to excluding from such assistance any country which hereafter seizes, or imposes any penalty or sanction against, any United States fishing vessel on account of its fishing activities in international waters. The provisions of this subsection shall not be applicable in any case governed by international agreement to which the United States is a party.

(p) Repealed. Pub. L. 93–559, § 44, Dec. 30, 1974, 88 Stat. 1813

(q) Defaults in principal or interest payments on loans; meeting obligations under loans; notice to Congressional committees

No assistance shall be furnished under this chapter to any country which is in default, during a period in excess of six calendar months, in payment to the United States of principal or interest on any loan made to such country under this chapter, unless such country meets its obligations under the loan or unless the President determines that assistance to such country is in the national interest and notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of such determination.

(r) Liability for repayment of principal or interest on loans outstanding after September 19, 1966

No recipient of a loan made under the authority of this chapter, any part of which is outstanding on or after September 19, 1966, shall be relieved of liability for the repayment of any part of the principal of or interest on such loan.

(s) Restraint of arms races and proliferation of sophisticated weapons

(1) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans or supporting assistance to any country under this chapter, and before making sales under the Agricultural Trade Development and Assistant Act of 1954, as amended [7 U.S.C. 1691 et seq.]:

(A) the percentage of the recipient or purchasing country's budget which is devoted to military purposes;

(B) the degree to which the recipient or purchasing country in using its foreign exchange resources to acquire military equipment; and

(C) the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country.

(2) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision.

(t) Diplomatic relations; severance, resumption, and negotiation of agreements

No assistance shall be furnished under this chapter or any other Act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.], in or to any country which has severed or hereafter severs diplomatic relations with the United States or with which the United States has severed or hereafter severs diplomatic relations, unless (1) diplomatic relations have been resumed with such country and (2) agreements for the furnishing of such assistance or the making of such sales, as the case may be, have been negotiated and entered into after the resumption of diplomatic relations with such country.

(u) Status of country with respect to obligations to the United Nations; report to Congress

In any decision to provide or continue to provide any program of assistance to any country under the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2151 et seq.], there shall be taken into account the status of the country with respect to its dues, assessments, and other obligations to the United Nations; and where such country is delinquent with respect to any such obligations for the purposes of the first sentence of Article 19 of the United Nations Charter, the President shall furnish the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report setting forth the assurance given by the government of the country concerned of paying all of its arrearages and of placing its payments of such obligations on a current basis, or a full explanation of the unusual or exceptional circumstances which render it economically incapable of giving such assurance.

(v) Repealed. Pub. L. 93–559, § 24, Dec. 30, 1974, 88 Stat. 1802

(w) Pakistan assistance; suspension; report to Congress; humanitarian assistance exception

(1) All military, economic, or other assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), all sales of agricultural commodities (whether for cash, credit, or by other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Pakistan under this or any other law shall be suspended on February 7, 1972.

(2) The provisions of this subsection shall cease to apply when the President reports to the Congress that the Government of Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and that refugees from East Pakistan in India have been allowed, to the extent feasible, to return to their homes and to reclaim their lands and properties.

(3) Nothing in this section shall apply to the provision of food and other humanitarian assistance which is coordinated, distributed, or monitored under international auspices.

(x) Suspension of military assistance to Turkey

(1) All military assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Turkey, shall be suspended on December 30, 1974, unless and until the President determines and certifies to the Congress that the Government of Turkey is in compliance with this chapter, the Foreign Military Sales Act [22 U.S.C. 2751 et seq.], and any agreement entered into under such Acts, and that substantial progress toward agreement has been made regarding military forces in Cyprus: *Provided,* That for the fiscal year 1976, the period beginning July 1, 1976, and ending Sep-

tember 30, 1976, and the fiscal year 1977, the President may suspend the provisions of this subsection and of section 3(c) of the Arms Export Control Act [22 U.S.C. 2753(c)] with respect to cash sales and extensions of credits and guaranties under such Act for the procurement of such defense articles and defense services as the President determines are necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization, except that (A) during the fiscal year 1976 and the period beginning July 1, 1976, and ending September 30, 1976, the total value of defense articles and defense services sold to Turkey under such Act, either for cash or financed by credits and guaranties, shall not exceed $125,000,000, and (B) during the fiscal year 1977, the total value of defense articles and defense services sold to Turkey under such Act, either for cash or financed by credits and guaranties, shall not exceed $125,000,000. Any such suspension shall be effective only so long as Turkey observes the cease-fire on Cyprus, does not increase its military forces or its civilian population on Cyprus, and does not transfer to Cyprus any United States supplied arms, ammunition, or implements of war. The determination required by the proviso in the first sentence of this paragraph shall be made, on a case-by-case basis, with respect to each cash sale, each approval for use of credits, and each approval for use of a guaranty for Turkey. Each such determination shall be reported to the Congress and shall be accompanied by a full and complete statement of the reasons supporting the President's determination and a statement containing the information specified in clauses (A) through (D) of section 2(c)(4) of the act of October 6, 1975 (Public Law 94-104). In any case involving the sale of significant combat equipment on the United States Munitions List in which the congressional review provisions of section 36(b) of the Arms Export Control Act [22 U.S.C. 2776(b)] do not apply, the President may not issue the letter of offer or approve the use of the credits or guaranty, as the case may be, until the end of the thirty-day period beginning on the date on which the report required by the preceding sentence is submitted to the Congress.

(2) The President shall submit to the Congress within sixty days after October 6, 1975, and at the end of each succeeding sixty-day period, a report on progress made during such period toward the conclusion of a negotiated solution of the Cyprus conflict.

(Pub. L. 87-195, pt. III, § 620, Sept. 4, 1961, 75 Stat. 444; Pub. L. 87-565, pt. III, § 301(d), Aug. 1, 1962, 76 Stat. 260; Pub. L. 88-205, pt. III, § 301(e), Dec. 16, 1963, 77 Stat. 386; Pub. L. 88-633, pt. III, § 301(d)-(g), Oct. 7, 1964, 78 Stat. 1013; Pub. L. 89-171, pt. III, § 301(d), Sept. 6, 1965, 79 Stat. 659; Pub. L. 89-583, pt. III, § 301(h), Sept. 19, 1966, 80 Stat. 805, 806; Pub. L. 90-137, pt. III, § 301(f), Nov. 14, 1967, 81 Stat. 459; Pub. L. 90-554, pt. III, § 301(c), Oct. 8, 1968, 82 Stat. 963; Pub. L. 91-175, pt. III, § 303, Dec. 30, 1969, 83 Stat. 820; Pub. L. 92-226, pt. III, § 301, Feb. 7, 1972, 86 Stat. 27; Pub. L. 93-189, § 15, Dec. 17, 1973, 87 Stat. 722; Pub. L. 93-559, §§ 22-24, 44, Dec. 30, 1974, 88 Stat. 1801, 1802, 1813; Pub. L. 94-104, § 2(c)(1), (2), Oct. 6, 1975, 89 Stat. 509; Pub. L. 94-329, title IV, § 403, title VI, § 606, June 30, 1976, 90 Stat. 757, 768.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Mutual Defense Assistance Control Act of 1951, referred to in subsec. (a)(3)(A)(ii), is act Oct. 26, 1951, ch. 575, 65 Stat. 645, as amended. Title I of the Mutual Defense Assistance Control Act of 1951 is classified generally to subchapter I (§ 1611 et seq.) of chapter 20A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1611 of this title and Tables volume.

Reorganization Plan No. 1 of 1954, 68 Stat. 1279, referred to in subsec. (e)(1), is set out in the appendix to Title 5, Government Organization and Employees.

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsecs. (i), (n), and (s), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified principally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables volume.

Section 2181(b)(1) of this title, referred to in subsec. (*l*), was omitted in the general reorganization of subpart III of part II of subchapter I of this chapter by Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 807, which added a new section 2181 of this title, dealing with worldwide housing guaranties.

The Foreign Assistance Act of 1961, as amended, referred to in subsec. (u), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to this chapter (§ 2151 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Foreign Military Sales Act, referred to in subsec. (x)(1), is Pub. L. 90-629, ch. 1, Oct. 22, 1968, 82 Stat. 1320, now known as the Arms Export Control Act on authority of section 201(b) of Pub. L. 94-329, title II, June 30, 1976, 90 Stat. 734, and is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables volume.

Section 2(c)(4) of the Act of October 6, 1975 (Public Law 94-104), referred to in subsec. (x)(1), is section 2(c)(4) of Pub. L. 94-104, which was not classified to the Code.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1976—Subsec. (k). Pub. L. 94-329, § 606, added provision exempting from the condition of express approval of Congress any productive enterprise in Egypt which is described in the presentation to Congress for fiscal year 1977.

Subsec. (x)(1). Pub. L. 94-329, § 403, further modified existing restrictions on assistance to Turkey by allowing the procurement under specified conditions of $125 million in defense articles and defense services by Turkey, provided that the President determines that such articles and services are necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization.

1975—Subsec. (x). Pub. L. 94-104 redesignated existing provisions as par. (1), and in par. (1) as so redesignated, substituted provisions authorizing the President to suspend the provisions of this section and of section 2753(c) of this title with respect to sales, credits, and guaranties under the Foreign Military Sales Act, for the procurement of defense articles and services certified by the President to be necessary to enable Turkey to fulfill her defense responsibilities as a member of NATO and that such suspension shall be effective only while Turkey observes the cease-fire and neither increases its forces on Cyprus nor transfers to Cyprus any United States supplied arms, ammunition, and implements of war for provisions authorizing the President to suspend the provisions of this section and certain other Acts if he determined that such suspension would further negotiations for a peaceful solution of the Cyprus conflict and that such suspension shall be effective only until Feb. 5, 1975, and if, during that time, Turkey observed cease-fire and neither increased its forces on Cyprus nor transferred to Cyprus any United States supplied implements of war, and added par. (2).

1974—Subsec. (n). Pub. L. 93-559, § 23, authorized assistance when determined by the President to be in the national interest of the United States.

Subsec. (p). Pub. L. 93-559, § 44, repealed subsec. (p) relating to assistance to United Arab Republic if essential to national interest of United States, and without any aid to aggressive actions by the United Arab Republic, and reports to Congressional committees.

Subsec. (v). Pub. L. 93-559, § 24, repealed subsec. (v) relating to prohibition against assistance to Greece, waiver of the restriction by the President, report to Congress, and fiscal year limitation of assistance made available to Greece.

Subsec. (x). Pub. L. 93-559, § 22, added subsec. (x).

1973—Subsec. (e)(1). Pub. L. 93-189 substituted "the provisions of this subsection shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interest of the United States. Such certification shall be reported immediately to Congress", for "no other provision of this chapter shall be so construed to authorize the President to waive the provisions of this subsection".

1972—Subsecs. (v), (w). Pub. L. 92-226 added subsecs. (v) and (w).

1969—Subsec. (s). Pub. L. 91-175, § 303(a), omitted provision empowering President to terminate assistance when he finds it is being diverted to military expenditures, continued provision requiring President to take military expenditures into account when furnishing assistance under this chapter and under the Agricultural Trade Development and Assistance Act of 1954, as amended, added provision requiring President to take into account amount spent by recipient on sophisticated weapons systems, and added provision requiring President to report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this section.

Subsec. (v). Pub. L. 91-175, § 303(b), repealed subsec. (v) covering the withholding of assistance to countries with expenditures for weapons systems. See subsec. (s) of this section.

1968—Subsec. (v). Pub. L. 90-554, added subsec. (v).

1967—Subsec. (j). Pub. L. 90-137, § 301(f)(1), substituted provisions for termination of assistance to countries because of damage or destruction by mob action of United States property (incorporated from former penultimate paragraph of section 2151 of this title) for former provisions for assistance to Indonesia if essential to national interests of United States and reports thereof to Congress.

Subsec. (k). Pub. L. 90-137, § 301(f)(2), substituted "506" for "510", classified to the Code as section 2318 of this title.

Subsec. (n). Pub. L. 90-137, § 301(f)(3), restated the prohibition against assistance to define the kind of assistance meant, that is, loans, credits, guarantees, or grants or other assistance, to extend the prohibition to assistance under any other Act and to sales under the Agricultural Trade Development and Assistance Act of 1954, and to eliminate specific reference to such items of transportation as items of economic assistance, and war materials, such as arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items of primary strategic significance used in production of arms, ammunition, and implements of war.

Subsecs. (s) to (u). Pub. L. 90-137, § 301(f)(4), added subsecs. (s) to (u).

1966—Subsec. (i). Pub. L. 89-583, § 301(h)(1), provided for denial of assistance to any country which hereafter is officially represented at any international conference when that representation includes planning of activities involving insurrection or subversion, which military efforts, insurrection, or subversion are directed as described in the subsec., for Executive determination that such representation has ceased and for report to Congress that such representation will not be renewed or repeated.

Subsec. (k). Pub. L. 89-583, § 301(h)(2), made permanent the temporary (calendar year 1965) prohibition against the initiation of projects exceeding $100,000,000 without the express approval of Congress and included military assistance amounting in the aggregate to more than $100,000,000.

Subsec. (l). Pub. L. 89-583, § 301(h)(3), substituted "The President shall consider denying assistance under this chapter to the government of any less developed country which, after December 31, 1966," for "No assistance shall be provided under this chapter after December 31, 1966, to the government of any less developed country which".

Subsec. (n). Pub. L. 89-583, § 301(h)(4), substituted "no assistance shall be furnished" and "September 19, 1966" for "the President shall consider denying assistance" and "September 6, 1965", respectively.

Subsecs. (p) to (r). Pub. L. 89-583, § 301(h)(5), added subsecs. (p) to (r).

1965—Subsec. (e)(2). Pub. L. 89-171, § 301(d)(2), substituted "other right to property" for "other right" in two instances and deleted cl. (3) which made this subparagraph inapplicable in any case in which the proceedings are commenced after Jan. 1, 1966.

Subsec. (l). Pub. L. 89-171, § 301(d)(3), substituted "December 31, 1966" for "December 31, 1965".

Subsec. (n). Pub. L. 89-171, § 301(d)(4), added subsec. (n).

Subsec. (o). Pub. L. 89-171, § 301(d)(4), added subsec. (o).

1964—Subsec. (e). Pub. L. 88-633, § 301(d), designated existing provisions as par. (1), redesignated subpars. (1) to (3) thereof as subpars. (A) to (C), substituted therein "subparagraphs (A), (B), or (C) of this paragraph" for "paragraphs (1), (2), or (3) of this subsection", and added par. (2).

Subsec. (f). Pub. L. 88-633, § 301(e), inserted "(including its captive constituent republics)" following "Union of Soviet Socialist Republics".

Subsec. (k). Pub. L. 88-633, § 301(f), substituted "1965" for "1964" in two instances.

Subsec. (m). Pub. L. 88-633, § 301(g), substituted "during each fiscal year" for "during fiscal year 1964" and "$500,000" for "$1,000,000".

1963—Subsec. (a). Pub. L. 88-205, § 301(e)(1), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (e). Pub. L. 88-205, § 301(e)(2), empowered the President to suspend assistance provided under any other act as well as under this chapter, inserted references to the repudiation or nullification of existing contracts or agreements with U.S. citizens or corporations, partnerships or associations not less than 50 percent beneficially owned by U.S. citizens, substituted "in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received"

for "after August 1, 1962, whichever is later", required compensation for property to be "equivalent to the full value thereof", and authorized the Foreign Claims Settlement Commission to determine the full value of property nationalized, expropriated, or seized upon the President's request, and to render an advisory report to him thereon.

Subsecs. (i) to (m). Pub. L. 88-205, § 301(e)(3), added subsecs. (i) to (m).

1962—Subsec. (a). Pub. L. 87-565, § 301(d)(1), prohibited assistance to any country which furnishes assistance to the present government of Cuba unless the President determines that such assistance is in the national interest of the United States.

Subsec. (c). Pub. L. 87-565, § 301(d)(2), extended the prohibition against providing assistance to cases where the goods or services have been ordered, and where the indebtedness arises under an unconditional guaranty of payment, provided the President does not find such action contrary to the national security, and inserted "which shall include arbitration" following "exhausted available legal remedies".

Subsecs. (e) to (h). Pub. L. 87-565, § 301(d)(3), added subsecs. (e) to (h).

EFFECTIVE DATE OF 1975 AMENDMENT

Section 2(c)(5) of Pub. L. 94-104 provided that: "This subsection [amending subsec. (x) of this section] shall become effective only upon enactment of foreign assistance legislation authorizing sales, credits, and guaranties under the Foreign Military Sales Act [section 2751 et seq. of this title] for fiscal year 1976."

LIMITATIONS ON ECONOMIC ASSISTANCE, MILITARY ASSISTANCE, SALES, AND SALES CREDITS FOR CHILE

Pub. L. 94-329, title IV, § 406, June 30, 1976, 90 Stat. 758, provided that:

"(a)(1) No military or security supporting assistance and no military education and training may be furnished under the Foreign Assistance Act of 1961 [this chapter] for Chile; and no credits (including participations in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act [section 2751 et seq. of this title] with respect to Chile. No deliveries of any such assistance, credits, or guaranties may be made to Chile on or after the date of enactment of this section [June 30, 1976].

"(2) No sales (including cash sales) may be made and no export license may be issued under the Arms Export Control Act with respect to Chile on or after the date of enactment of this section [June 30, 1976].

"(b)(1) Notwithstanding any other provision of law, the total amount of economic assistance which may be made available for Chile during the period beginning July 1, 1976, and ending September 30, 1977, may not exceed $27,500,000. For purposes of this subsection, economic assistance includes any assistance of any kind which is provided, directly or indirectly, to or for the benefit of Chile by any department, agency, or other instrumentality of the United States Government (other than assistance provided under chapter 2, 4, or 5 of part II of the Foreign Assistance Act of 1961 [parts II, IV, or V of subchapter II of chapter 32 of this title] or credits or guaranties extended under the Arms Export Control Act) [Section 2751 et seq. of this title], but does not include commodities furnished under title II of the Agricultural Trade Development and Assistance Act of 1954 [section 1721 et seq. of Title 7, Agriculture]. This subsection shall not be construed to authorize the furnishing of any assistance which is prohibited under any other provision of law.

"(2) The $27,500,000 limit set forth in paragraph (1) of this subsection may be increased by not to exceed $27,500,000 if the President certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the Government of Chile—

"(A) does not engage in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges or trial, or other flagrant denials of the right to life, liberty, or the security of person;

"(B) has permitted the unimpeded investigation, by internationally recognized commissions on human rights (including the United Nations Commission on Human Rights and the Inter-American Commission on Human Rights of the Organization of American States) of alleged violations of internationally recognized human rights (as described in subparagraph (A) of this paragraph); and

"(C) has taken steps to inform the families of prisoners of the condition of and charges against such prisoners."

RESTRICTIONS ON ASSISTANCE TO CHILE

Section 25 of Pub. L. 93-559 provided that notwithstanding any other provision of law, the total amount of assistance that was to be made available for Chile under the Foreign Assistance Act of 1961 [this chapter], and the Foreign Military Sales Act [section 2751 et seq. of this title] during fiscal year 1975, was not to exceed $25,000,000, none of which was to be made available for the purpose of providing military assistance (including security supporting assistance, sales, credit sales, or guaranties or the furnishing by any means of excess defense articles or items from stockpiles of the Department of Defense).

RESTRICTIONS ON MILITARY ASSISTANCE AND EXCESS DEFENSE ARTICLES TO KOREA

Section 26 of Pub. L. 93-559 provided that the aggregated amount of (1) funds obligated or reserved for military assistance, including supply operations, under chapter 2 of part II of the Foreign Assistance Act of 1961 [part II of subchapter II of this chapter]; (2) the acquisition cost of excess defense articles, if any, ordered under part II of the Foreign Assistance Act of 1961 [subchapter II of this chapter] and not charged against appropriations for military assistance; (3) credits including participations in credits, extended pursuant to section 23 of the Foreign Military Sales Act [section 2763 of this title]; and (4) the principal amount of loans guaranteed pursuant to section 24(a) of the Foreign Military Sales Act [section 2764(a) of this title]; with respect to South Korea was not to exceed $145,000,000 for fiscal year 1975 until the President submitted a report to the Congress after Dec. 30, 1974, stating that the government of South Korea was making substantial progress in the observance of internationally recognized standards of human rights. After the submission of the report, the aggregate amount described in clauses (1), (2), (3), and (4) above, with respect to South Korea, was not to exceed $165,000,000 for fiscal year 1975. The provisions of section 506 and section 614 of the Foreign Assistance Act of 1961 [sections 2318 and 2364 of this title], or of any other law, were not to be used to exceed these limitations.

RESTRICTIONS ON ASSISTANCE TO INDIA

Section 27 of Pub. L. 93-559 provided that the total amount of assistance provided under the Foreign Assistance Act of 1961 [this chapter] and of credit sales made or guaranteed under the Foreign Military Sales Act [section 2751 et seq. of this title] for India was not to exceed $50,000,000 in fiscal year 1975.

REPAYMENT OF LOANS IN DEFAULT

Section 56 of Pub. L. 93-559 provided that: "It is the sense of the Congress that any country receiving assistance under the Foreign Assistance Act of 1961 [this chapter] which is in default, at least 90 days prior to the date of enactment of this Act [Dec. 30, 1974], of any payment of principal or interest due on any loan or credit received from the United States shall promptly pay all such principal and interest. It is further the sense of the Congress that the President shall promptly enter into negotiations with each such country to help effectuate the payment of such princi-

pal and interest, or to effectuate the transfer by such country to the United States of goods, services, concessions, or actions beneficial to the United States, in lieu of the payment of such principal and interest."

RESTRICTIONS ON ASSISTANCE TO NATIONS WHOSE GOVERNMENT IS BASED UPON COMMUNISM

Pub. L. 91-194, title I, § 109, Feb. 9, 1970, 84 Stat. 8, provided that:

"(a) No assistance shall be furnished to any nation, whose government is based upon that theory of government known as communism under the Foreign Assistance Act of 1961, as amended [this chapter], for any arms, ammunition, implements of war, atomic energy materials, or any articles, materials, or supplies, such as petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war, contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended [section 1611 et seq. of this title].

"(b) No economic assistance shall be furnished to any nation whose government is based upon that theory of government known as communism under the Foreign Assistance Act of 1961, as amended [this chapter] except section 214(b) [section 2174(b) of this title], unless the President determines that the withholding of such assistance would be contrary to the national interest and reports such determination to the House of Representatives and the Senate. Reports made pursuant to this subsection shall be published in the Federal Register within seven days of submission to the committees and shall contain a statement by the President of the reasons for such determination."

Similar provisions were contained in Pub. L. 87-872, title I, § 109, Oct. 23, 1962, 76 Stat. 1165; Pub. L. 88-258, title I, § 109, Jan. 6, 1964, 77 Stat. 859; Pub. L. 88-634, title I, § 109, Oct. 7, 1964, 78 Stat. 1018; Pub. L. 89-273, title I, § 109, Oct. 20, 1965, 79 Stat. 1004; Pub. L. 89-691, title I, § 109, Oct. 15, 1966, 80 Stat. 1020; Pub. L. 90-249, title I, § 109, Jan. 2, 1968, 81 Stat. 939; Pub. L. 90-581, title I, § 109, Oct. 17, 1968, 82 Stat. 1140.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES SELLING, FURNISHING, OR PERMITTING SHIPS TO CARRY CERTAIN ITEMS TO CUBA OR TO NORTH VIETNAM

Pub. L. 91-194, title I, § 107, Feb. 9, 1970, 84 Stat. 8, provided that:

"(a) No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended [this chapter], to any country which sells, furnishes, or permits any ships under its registry to carry to Cuba, so long as it is governed by the Castro regime, in addition to those items contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended [section 1611 et seq. of this title], any arms, ammunition, implements of war, atomic energy materials, or any other articles, materials, or supplies of primary strategic significance used in the production of arms, ammunition, and implements of war or of strategic significance to the conduct of war, including petroleum products.

"(b) No economic assistance shall be furnished under the Foreign Assistance Act of 1961, as amended [this chapter], to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, or to North Vietnam."

Similar provisions were contained in Pub. L. 87-258, title I, § 107, Oct. 23, 1962, 76 Stat. 1165; Pub. L. 88-258, title I, § 107, Jan. 6, 1964, 77 Stat. 859; Pub. L. 88-634, title I, § 107, Oct. 7, 1964, 78 Stat. 1018; Pub. L. 89-273, title I, § 107, Oct. 20, 1965, 79 Stat. 1004; Pub. L. 89-691, title I, § 107, Oct. 15, 1966, 80 Stat. 1020; Pub. L. 90-249, title I, § 107, Jan. 2, 1968, 81 Stat. 938; Pub. L. 90-581, title I, § 107, Oct. 17, 1968, 82 Stat. 1139.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES SELLING, FURNISHING OR PERMITTING SHIPS TO CARRY CERTAIN ITEMS TO NORTH VIETNAM

Pub. L. 91-194, title I, § 116, Feb. 9, 1970, 84 Stat. 10, forbid assistance under the Foreign Assistance Act of 1961, as amended, to any country that sold, furnished or permitted any ships under its registry to carry to North Vietnam certain enumerated items unless the President determined that the withholding of such assistance was contrary to the national interest of the United States and reported such determination to Congress.

INTERDICTION OF THE DELIVERY OF OFFENSIVE WEAPONS TO CUBA

For Presidential proclamation prohibiting the delivery of offensive weapons to Cuba, see Proc. No. 3504, Oct. 23, 1962, 27 F.R. 10401, set out as a note preceding section 1 of the Appendix to Title 50, War and National Defense.

PROC. NO. 3447. EMBARGO ON TRADE WITH CUBA

Proc. No. 3447, Feb. 3, 1962, 27 F.R. 1085, provided:

WHEREAS the Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance, in its Final Act resolved that the present Government of Cuba is incompatible with the principles and objectives of the Inter-American system; and, in light of the subversive offensive of Sino-Soviet Communism with which the Government of Cuba is publicly aligned, urged the member states to take those steps that they may consider appropriate for their individual and collective self-defense;

WHEREAS the Congress of the United States, in section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended [subsection (a) of this section], has authorized the President to establish and maintain an embargo upon all trade between the United States and Cuba; and

WHEREAS the United States, in accordance with its international obligations, is prepared to take all necessary actions to promote national and hemispheric security by isolating the present Government of Cuba and thereby reducing the threat posed by its alignment with the communist powers:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under the authority of section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended [subsection (a) of this section], do

1. Hereby proclaim an embargo upon trade between the United States and Cuba in accordance with paragraphs 2 and 3 of this proclamation.

2. Hereby prohibit, effective 12:01 A.M., Eastern Standard Time, February 7, 1962, the importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba; and I hereby authorize and direct the Secretary of the Treasury to carry out such prohibition, to make such exceptions thereto, by license or otherwise, as he determines to be consistent with the effective operation of the embargo hereby proclaimed, and to promulgate such rules and regulations as may be necessary to perform such functions.

3. AND FURTHER, I do hereby direct the Secretary of Commerce, under the provisions of the Export Control Act of 1949, as amended (50 U.S.C. App. 2021-2032), to continue to carry out the prohibition of all exports from the United States to Cuba, and I hereby authorize him, under that Act, to continue, make, modify or revoke exceptions from such prohibition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this third day of February, in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY.

CROSS REFERENCES

Inter-American Development Bank increase in resources, loan disapproval by United States during suspension of assistance under subsec. (e)(1)(A) to (C) of this section, see section 283*l* of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 283*l*, 2293, 2312 of this title; title 7 section 1736d; title 12 section 635; title 50 App. section 2403.

§ 2371. Termination of assistance to countries which grant sanctuary to international terrorists; period of ineligibility; national security exception; report by President

(a) Except where the President finds national security to require otherwise, the President shall terminate all assistance under this chapter to any government which aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism and the President may not thereafter furnish assistance to such government until the end of the one year period beginning on the date of such termination, except that if during its period of ineligibility for assistance under this section such government aids or abets, by granting sanctuary from prosecution to, any other individual or group which has committed an act of international terrorism, such government's period of ineligibility shall be extended for an additional year for each such individual or group.

(b) If the President finds that national security justifies a continuation of assistance to any government described in subsection (a) of this section, he shall report such finding to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Pub. L. 87-195, pt. III, § 620A, as added Pub. L. 94-329, title III, § 303, June 30, 1976, 90 Stat. 753.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

PART II—ADMINISTRATIVE PROVISIONS

§ 2381. Exercise of functions

(a) Delegation by President; rules and regulations; utilization of goods and services from private enterprise, and facilities and resources of Federal agencies when not competitive with private enterprise

The President may exercise any functions conferred upon him by this chapter through such agency or officer of the United States Government as he shall direct. The head of any such agency or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions, and may delegate authority to perform any such functions, including, if he shall so specify, the authority successively to redelegate any of such functions to any of his subordinates. In providing technical assistance under this chapter, the head of any such agency or such officer shall utilize, to the fullest extent practicable, goods and professional and other services from private enterprise on a contract basis. In such fields as education, health, housing, or agriculture, the facilities and resources of other Federal agencies shall be utilized when such facilities are particularly or uniquely suitable for technical assistance, are not competitive with private enterprise, and can be made available without interfering unduly with domestic programs.

(b) Eligibility of suppliers; debarment period; causes for debarment; conditions for reinstatement; periodic review

The President shall issue and enforce regulations determining the eligibility of any person to receive funds made available under this chapter. A person may be suspended under such regulations for a temporary period pending the completion of an investigation and any resulting judicial or debarment proceedings, upon cause for belief that such person or an affiliate thereof probably has undertaken conduct which constitutes a cause for debarment; and, after an opportunity has been afforded to such person for a hearing, he may be debarred for an additional period, not to exceed three years. Among the causes for debarment shall be (1) offering or accepting a bribe or other illegal payment or credit in connection with any transaction financed with funds made available under this chapter; or (2) committing a fraud in the procurement or performance of any contract financed with funds made available under this chapter; or (3) acting in any other manner which shows a lack of integrity or honesty in connection with any transaction financed with funds made available under this chapter. Reinstatement of eligibility in each particular case shall be subject to such conditions as the President shall direct. Each person whose eligibility is denied or suspended under this subsection shall, upon request, be entitled to a review of his eligibility not less often than once every two years.

(Pub. L. 87-195, pt. III, § 621, Sept. 4, 1961, 75 Stat. 445; Pub. L. 87-565, pt. III, § 302(a), Aug. 1, 1962, 76 Stat. 262; Pub. L. 88-205, pt. III, § 302(a), Dec. 16, 1963, 77 Stat. 388; Pub. L. 90-554, pt. III, § 302(a), Oct. 8, 1968, 82 Stat. 964.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1968—Pub. L. 90-554 designated existing provisions as subsec. (a) and added subsec. (b).

1963—Pub. L. 88-205 provided that goods and professional and other services from private enterprise should be utilized on a contract basis, and that Federal agencies be utilized only when not competitive with private enterprise and available without interfering unduly with domestic programs.

1962—Pub. L. 87-565 deleted the designation "(a)" from the provisions of former subsec. (a), now entire section, and repealed subsecs. (b) to (e) which related

to the abolition of the Development Loan Fund, International Cooperation Administration, and the Office of Inspector General and Comptroller, the transfer of their functions, and the transfer of the function of the Export-Import Bank under section 1704(e) of Title 7, Agriculture.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (b) of this section delegated to the Overseas Private Investment Corporation, see section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

EX. ORD. NO. 10973. ADMINISTRATION OF FOREIGN ASSISTANCE AND RELATED FUNCTIONS

Ex. Ord. No. 10973, Nov. 6, 1961, 26 F.R. 10469, as amended by Ex. Ord. No. 11261, Dec. 11, 1965, 30 F.R. 15397; Ex. Ord. No. 11417, July 24, 1968, 33 F.R. 10625; Ex. Ord. No. 11432, Oct. 22, 1968, 33 F.R. 15701; Ex. Ord. No. 11685, Sept. 25, 1972, 37 F.R. 20155; Ex. Ord. No. 11816, Oct. 23, 1974, 39 F.R. 37965; Ex. Ord. No. 11841, Feb. 28, 1975, 40 F.R. 8933; Ex. Ord. No. 11959, Jan. 18, 1977, 42 F.R. 4315, provided:

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424) [this chapter] and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

PART I—DEPARTMENT OF STATE

SECTION 101. *Delegation of functions.* Exclusive of the functions otherwise delegated, or reserved to the President, by the provisions of this order, and subject to the provisions of this order, there are hereby delegated to the Secretary of State (hereafter in this Part referred to as the Secretary) all functions conferred upon the President by (1) the act (as defined in Part VI hereof), (2) the act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purpose (74 Stat. 869; 22 U.S.C. 1942 et seq.), (3) the Mutual Defense Assistance Control Act of 1951 (65 Stat. 644; 22 U.S.C. 1611 et seq.), (4) the unrepealed provisions of the Mutual Security Act of 1954 (68 Stat. 832; U.S.C. 1750 et seq.), (5) section 8(d) of the Act of January 12, 1971 (P.L. 91-672; 84 Stat. 2055), [section 2321b(d) of this title], (6) sections 413(b) and 607 of the International Security Assistance and Arms Export Control Act of 1976 (90 Stat. 761, 768; 22 U.S.C. 2431 note, 2394a), and (7) those provisions of acts appropriating funds under the authority of the act which relate to the act.

SEC. 102. *Agency for International Development.* (a) The Secretary shall establish an agency in the Department of State to be known as the Agency for International Development (hereafter in this Part referred to as the Agency).

(b) The Agency shall be headed by an Administrator who shall be appointed pursuant to section 624(a) of the Act [section 2384(a) of this title].

(c) The other officers provided for in section 624(a) of the Act [section 2384(a) of this title] shall also serve in the Agency.

SEC. 103. [Revoked by Ex. Ord. No. 11685, Sept. 25, 1972, 37 F.R. 20155]

SEC. 104. *Special missions and staffs abroad.* The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States diplomatic missions, and the authorization of the same compensation and allowances as the chief of mission, class 3 and class 4, within the meaning of the Foreign Service Act of 1946 (60 Stat. 999; 22 U.S.C. 801 et seq.), all under section 631 of the Act [section 2391 of this title], shall be subject to the approval of the Secretary.

SEC. 105. *Allocation of Foreign Assistance.* In carrying out the functions conferred upon the President by section 653 of the Act [section 2413 of this title], the Secretary of State shall consult with the Director of the Office of Management and Budget.

SEC. 106. *Office of Small Business.* The Office of Small Business provided for in section 602(b) of the Act [section 2352(b) of this title] shall be in the Department of State.

PART II—DEPARTMENT OF DEFENSE

SEC. 201. *Delegation of functions.* Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(a) The functions conferred upon the President by Part II (except Chapter 4 [section 2346 et seq. of this title] thereof) of the Act [subchapter II of this chapter] not otherwise delegated or reserved to the President.

(b) To the extent that they relate to other functions under the Act administered by the Department of Defense, the functions conferred upon the President by sections 602(a), 605(a), 625(a), 625(h), 627, 628, 631(a), 634(b), 635(b), and 635(d) of the Act [sections 2352(a), 2355(a), 2385(a), (h), 2387, 2388, 2391(a), 2394(b), 2395(b), (d), of this title].

(c) [Revoked by Ex. Ord. No. 11959, Jan. 18, 1977, 42 F.R. 4315]

(d) The functions conferred upon the President by the fourth and fifth provisos of section 108 of the Mutual Security Appropriation Act, 1956 (69 Stat. 438).

SEC. 202. *Reports and Information.* In carrying out the functions under sections 514(e) and 634(b) of the Act [sections 2312h(e) and 2394(b) of this title] delegated to him by section 201 of this order, the Secretary of Defense shall consult with the Secretary of State.

SEC. 203. *Exclusions from delegation to Secretary of Defense.* The following-described functions conferred upon the President by the Act [this chapter] are excluded from the functions delegated by the provisions of section 201(a) of this order:

(a) Those under section 502(B)(a)(3) of the Act [section 2304(a)(3) of this title], except to the extent they relate to functions under the Act administered by the Department of Defense.

(b) Those under sections 504(a), 505(a) [sections 2312(a) and 2314(a) of this title] relating to other provisions required by the President, and 505(d), (e), and (g) of the Act [section 2314(d), (e), and (g) of this title].

(c) Those relating to consent under sections 505(a)(1) and (4) of the Act [section 2314(a)(1) and (4) of this title].

(d) Those under sections 505(b)(1), (2), and (3) of the Act [section 2314(b)(1), (2), and 3 of this title] to the extent that they pertain to countries which agree to the conditions set forth therein.

(e) Those of negotiating, concluding and terminating international agreements.

(f) Those under section 514 of the Act [section 2321g of this title].

PART III—OTHER AGENCIES

SEC. 301. *Department of the Treasury.* There are delegated to the Secretary of the Treasury the functions conferred upon the President by the third sentence of section 102(d) [section 2151(d) of this title] as it relates to international development organizations in which the United States is represented by the Secretary of the Treasury, section 301(e)(3) [section 2221(e)(3) of this title] as it relates to organizations referred to in section 301(e)(2) [section 2221(e)(2) of this title], the second sentence of section 612(a) [section 2362(a) of this title], section 634(f) [section 2394(f) of this title], and section 634(g) of the Act [section 2394(g) of this title]. The Secretary of the Treasury shall continue to administer any open special foreign country accounts established pursuant to former section 514 of the Act [former section 2321g of this title] as enacted by section 201(f) of Public Law 92-226 (86 Stat. 25) and repealed by Section 12(b)(5) of Public Law 93-189 (87 Stat. 722).

SEC. 302. *Department of Commerce.* There is hereby delegated to the Secretary of Commerce so much of

the functions conferred upon the President by section 601(b)(1) of the Act [section 2351(b)(1) of this title] as consists of drawing the attention of private enterprise to opportunities for investment and development in less-developed friendly countries and areas.

SEC. 303. *Civil Service Commission.* There is hereby delegated to the Chairman of the Civil Service Commission the function of prescribing regulations conferred upon the President by the proviso contained in section 625(b) of the Act [section 2385(b) of this title].

SEC. 304. *United States Information Agency.* (a) The United States Information Agency shall perform all public information functions abroad with respect to the foreign-assistance, aid, and development programs of the United States Government.

(b) There are hereby delegated to the Director of the United States Information Agency the functions conferred upon the President by sections 221 and 222 of the Act [sections 2181 and 2182 this title] to the extent that those functions relate to informational media guaranties authorized by section 1011 of the United States Information and Educational Exchange Act of 1948 (68 Stat. 862), as amended [section 1442 of this title].

SEC. 305. *Development Loan Committee.* There is hereby established a Development Loan Committee in accordance with section 204 of the act [section 2164 of this title]. The Committee shall consist of the Administrator of the Agency for International Development, who shall be chairman, the Chairman of the Board of Directors of the Export-Import Bank of Washington, the Assistant Secretary of State for Economic Affairs, the Assistant Secretary of the Treasury dealing with international finance; the Assistant Secretary of Commerce for Domestic and International Business, and the officer of the Agency for International Development dealing with development financing.

SEC. 306. *Development Coordination Committee.* (a) In accordance with section 640B of the act [section 2399c of this title], there is hereby established a Development Coordination Committee (hereinafter referred to as the Committee). The Committee shall consist of the Administrator of the Agency for International Development, who shall be Chairman; the Under Secretary of State for Economic Affairs; the Under Secretary of the Treasury for Monetary Affairs; the Under Secretary of Commerce; the Under Secretary of Agriculture; the Under Secretary of Labor; the Special Representative for Trade Negotiations; an Associate Director of the Office of Management and Budget; the Executive Director of the Council on International Economic Policy; a representative of the Assistant to the President for national security affairs; the President of the Export-Import Bank of the United States; and the President of the Overseas Private Investment Corporation.

(b) Whenever matters within the jurisdiction of the Committee may be of interest to Federal agencies not represented on the Committee under paragraph (a) of this section, the Chairman of the Committee may consult with such agencies and may invite them to designate representatives to paricipate in meetings and deliberations of the Committee.

(c) Under the foreign policy guidance of the Secretary of State, the Committee shall advise the President with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance.

(d) All agencies and officers of the Government shall keep the Committee informed in necessary detail as to the policies, programs, and activities referred to in paragraph (c) of this Section.

(e) Nothing herein shall be deemed to derogate from the responsibilities of the Secretary of State, the Secretary of the Treasury, or from responsibilities vested elsewhere by law or other Executive orders.

PART IV—RESERVED FUNCTIONS

SEC. 401. *Reservation of functions to the President.* There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(a) The functions conferred upon the President by sections 504(b), 505(c), 613(a), 614(a), 620(a), 620(d), 620(x), 620A, 621(a), 622(b), 622(c), 633(a), 633(b), 662(a), and 663(b) of the Act [sections 2312(b), 2314(c), 2363(a), 2364(a), 2370(a), (d), (x), 2371, 2381(a), 2382(b), (c), 2393(a), (b), 2422(a), and 2433(b) of this title].

(b) The functions conferred upon the President by the Act [this chapter] and section 408(b) of the Mutual Security Act of 1954 [section 1928(b) of this title] with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate and with respect to the appointment of officers pursuant to section 624(c) of the Act [section 2384(c) of this title] and the function so conferred by section 204 of the Act [section 2164 of this title] of assigning officers to the Development Loan Committee.

(c) The functions conferred upon the President with respect to determinations, certifications, directives, or transfers of funds, as the case may be, by sections 202(b), 205, 303, 481(a), 504(a)(6), 505(b)(4), 505(d)(2)(A), 505(d)(3), 506(a), 604(a), 610, 614(c), 624(d)(7), 632(b), 634(c), 663(a) and 669(b)(1) of the Act [sections 2162(b), 2165, 2223, 2291(a), 2312(a)(6), 2314(b)(4), (d)(2)(A), (d)(3), 2318(a), 2354(a), 2360, 2364(c), 2384(d)(7), 2392(b), and 2394(c), 2423(a) and 2429(b)(1) of this title].

(d)(1) Those under section 503(a) [section 2311(a) of this title] which relate to findings: *Provided,* That the Secretary of State in the implementation of the functions delegated to him under section 505(a)(1), (a)(4) and (e) of the Act [section 2314(a)(1), (a)(4) and (e) of this title], is authorized to find, in the case of a proposed transfer of a defense article or related training or a related defense service by a foreign country or international organization to a foreign country or international organization not otherwise eligible under section 503(a) of the Act [section 2311(a) of this title], whether the proposed transfer will strengthen the security of the United States and promote world peace.

(2) Those under sections 505(b)(1), (2), and (3) [section 2314(b)(1), (2), and (3) of this title] in respect of countries which do not agree to the conditions set forth therein.

(3) [Revoked by Ex. Ord. No. 11685, Sept. 25, 1972, 37 F.R. 20155]

(4) That under section 614(b) [section 2364(b) of this title] with respect to determining any provisions of law to be disregarded to achieve the purpose of that section.

(5) That under the second sentence of section 654(c) [section 2414(c) of this title] with respect to the publication in the *Federal Register* of any finding or determination reserved to the President: *Provided,* that any officer to whom there is delegated the function of making and finding or determination within the purview of section 654(a) [section 2414(a) of this title] is also authorized to reach the conclusion specified in the second sentence of section 654(c) [section 2414(c) of this title] in performance of the function delegated to him.

(e) Those with respect to determinations under sections 103(b) (first proviso), 104 and 203 of the Mutual Defense Assistance Control Act of 1951 [sections 1611b(b) (first proviso), 1611c and 1612b of this title].

(f) That under section 523(d) of the Mutual Security Act of 1954 [section 1783(d) of this title].

(g) That under section 502 of the Foreign Assistance and Related Programs Appropriation Act, 1972 (86 Stat. 55), with respect to certification.

PART V—FUNDS

SEC. 501. *Allocation of funds.* Funds appropriated or otherwise made available to the President for carrying out the Act shall be deemed to be allocated without any further action of the President, as follows:

(a) There are allocated to the Secretary of State all funds made available for carrying out the Act except those made available for carrying out Part II of the Act [subchapter II of this chapter].

(b) There are allocated to the Secretary of Defense funds made available for carrying out Part II of the Act [subchapter II of this chapter].

SEC. 502. *Reallocation of funds.* The Secretary of State and the Secretary of Defense may allocate or transfer as appropriate any funds received under subsections (a) and (b) respectively, of section 501 of this order, to any agency, or part thereof, for obligation or expenditure thereby consistent with applicable law.

PART VI—GENERAL PROVISIONS

SEC. 601. *Definitions.* (a) As used in this order, the words "the Act" mean the Foreign Assistance Act of 1961, as amended, [this chapter] exclusive of Part IV thereof.

(b) As used in this order, the word "function" or "functions" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

SEC. 602. *Incidental transfers.* (a) Effective at the end of November 3, 1961, all offices, entities, property, and records of the corporate Development Loan Fund, not otherwise disposed of by the Act [this chapter] are hereby transferred to the Department of State.

(b) So much of the records of the Export-Import Bank of Washington as the Director of the Bureau of the Budget shall determine to be necessary for the purposes of section 621(e) of the Act [subsec. (e) of this section] shall be transferred to the Department of State.

SEC. 603. *Personnel.* (a) In carrying out the functions conferred upon the President by the provisions of section 625(d)(1) of the Act [section 2385(d)(1) of this title], and by this order delegated to the Secretary of State, the Secretary shall authorize such of the agencies which administer programs under the Act [this chapter] as he may deem appropriate to perform any of the functions under section 625(d)(1) of the Act [section 2385(d)(1) of this title] to the extent that the said functions relate to the programs administered by the respective agencies.

(b) Persons appointed, employed, or assigned after May 19, 1959, under section 527(c) of the Mutual Security Act of 1954 [former section 1787(c) of this title] or section 625(d) of the Act [section 2385(d) of this title] for the purpose of performing functions under such Acts outside the United States shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by section 528 of the Foreign Service Act of 1946 [section 928 of this title] in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

SEC. 604. *References to orders and Acts.* Except as may for any reason be inappropriate:

(a) References in this order or in any other Executive order to (1) the Foreign Assistance Act of 1961 (including references herein to "the Act") [this chapter], (2) unrepealed provisions of the Mutual Security Act of 1954 [section 1750 et seq. of this title], (3) any other act which relates to the subject of this order, or (4) any provisions of any thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(b) References in any prior Executive order to the Mutual Security Act of 1954 [section 1750 et seq. of this title] or any provisions thereof shall be deemed to be references to the Act or the corresponding provision, if any, thereof.

(c) References in this order to provisions of any appropriation Act, and references in any other Executive order to provisions of any appropriation Act related to the subject of this order, shall be deemed to include references to any hereafter-enacted provisions of law which are the same or substantially the same as such appropriation Act provisions, respectively.

(d) References in this order or in any other Executive order to this order or to any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(e) References in any prior Executive order not superseded by this order to any provisions of any Executive order so superseded shall hereafter be deemed to be references to the corresponding provisions, if any, of this order.

(f) In conformity with section 202(b) of the Act of February 7, 1972 (P.L. 92-226; 86 Stat. 27) [set out as a note under section 2346 of this title], references in this order to Part I of the Act [section 2151 et seq. of this title], shall be deemed to include also chapter 4 of Part II of the Act [sections 2346 et seq. of this title], and references in this order to Part II of the Act [section 2301 et seq. of this title] shall be deemed to exclude chapter 4 of Part II of the Act [section 2346 of this title].

SEC. 605. *Superseded orders.* The following are hereby superseded:

(a) Executive Order No. 10893 of November 8, 1960 (25 F.R. 10731), except Part II thereof and except for the purposes of using funds pursuant to section 643(c) of the Act.

(b) Section 2 of Executive Order No. 10915 of January 24, 1961 (26 F.R. 781).

(c) Executive Order No. 10955 of July 31, 1961 (26 F.R. 6967).

SEC. 606. *Saving provisions.* Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

SEC. 607. *Effective date.* The provisions of this order shall become effective as of September 30, 1961.

JOHN F. KENNEDY.

SUPERSEDURE OF EX. ORD. NO. 10973

Ex. Ord. No. 10973, Nov. 6, 1961, 26 F.R. 10469, as amended, was superseded insofar as any provision therein was in conflict with any provision of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2384 of this title.

§ 2381a. Strengthened management practices

(a) Declaration of beliefs

The Congress believes that United States foreign aid funds could be utilized more effectively by the application of advanced management decisionmaking, information and analysis techniques such as systems analysis, automatic data processing, benefit-cost studies, and information retrieval.

(b) Management system; establishment; scope

To meet this need, the President shall establish a management system that includes: the definition of objectives and programs for United States foreign assistance; the development of quantitative indicators of progress toward these objectives; the orderly consideration of alternative means for accomplishing such objectives; and the adoption of methods for comparing actual results of programs and projects with those anticipated when they were undertaken. The system should provide information to the agency and to Congress that relates agency resources, expenditures, and

budget projections to such objectives and results in order to assist in the evaluation of program performance, the review of budgetary requests, and the setting of program priorities.

(c) Report to Congress

The President shall report to the Congress annually on the specific steps that have been taken, including an evaluation of the progress that has been made toward the implementation of this section.

(Pub. L. 87-195, pt. III, § 621A, as added Pub. L. 90-554, pt. III, § 302(b), Oct. 8, 1968, 82 Stat. 964.)

§ 2382. Coordination with foreign policy

(a) Powers or functions of Secretary of State

Nothing contained in this chapter shall be construed to infringe upon the powers or functions of the Secretary of State.

(b) Coordination among representatives of United States

The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission. The Chief of the diplomatic mission shall make sure that recommendations of such representatives pertaining to military assistance (including civic action) and military education and training programs are coordinated with political and economic considerations, and his comments shall accompany such recommendations if he so desires.

(c) Responsibility for supervision and general direction of assistance programs

Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, military assistance, and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

(Pub. L. 87-195, pt. III, § 622, Sept. 4, 1961, 75 Stat. 446; Pub. L. 89-171, pt. III, § 320(a), Sept. 6, 1965, 79 Stat. 660; Pub. L. 89-583, pt. III, § 302(a), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90-629, ch. 4, § 45(b)(1), (2), Oct. 22, 1968, 82 Stat. 1327; Pub. L. 94-329, title I, § 106(b)(2), June 30, 1976, 90 Stat. 733.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-329, § 106(b)(2)(A), added "and military education and training" following "(including civic action)".

Subsec. (c). Pub. L. 94-329, § 106(b)(2)(B), added reference to military education and training programs in two places.

1968—Subsec. (b). Pub. L. 90-629, § 45(b)(1), struck out "or sales" preceding "programs".

Subsec. (c). Pub. L. 90-629, § 45(b)(2), struck out "and sales" and "or sales" preceding "programs" and "program", respectively.

1966—Subsec. (b). Pub. L. 89-583, § 302(a)(1), substituted "(including civic action) or sales programs" for "(including any civic action and sales program)".

Subsec. (c). Pub. L. 89-583, § 302(a)(2), substituted "economic assistance and military assistance and sales programs" and "military assistance (including civic action) or sales program" for "the assistance programs authorized by this chapter" and "military assistance program (including civic action and sales program)", respectively.

1965—Subsec. (b). Pub. L. 89-171, § 302(a)(1), inserted "(including any civic action and sales program)".

Subsec. (c). Pub. L. 89-171, § 302(a)(2), inserted "including any civic action and sales program)".

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-629 effective on July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

EX. ORD. NO. 10338. COORDINATION PROCEDURES

Ex. Ord. No. 10338, Apr. 4, 1952, 17 F.R. 3009, provided:

SECTION 1. *Functions of the Chief of the United States Diplomatic Mission.* (a) The Chief of the United States Diplomatic Mission in each country, as the representative of the President and acting on his behalf, shall coordinate the activities of the United States representatives (including the chiefs of economic missions, military assistance advisory groups, and other representatives of agencies of the United States Government) in such country engaged in carrying out programs under the Mutual Security Act of 1951 (hereinafter referred to as the Act) [section 1509 et seq. of this title], and he shall assume responsibility for assuring the unified development and execution of the said programs in such country. More particularly, the functions of each Chief of United States Diplomatic Mission shall include, with respect to the programs and country concerned:

(1) Exercising general direction and leadership of the entire effort.

(2) Assuring that recommendations and prospective plans and actions of the United States representatives are effectively coordinated and are consistent with and in furtherance of the established policy of the United States.

(3) Assuring that the interpretations and application of instructions received by the United States representatives from higher authority are in accordance with the established policy of the United States.

(4) Guiding the United States representatives in working out measures to prevent duplication in their efforts and to promote the most effective and efficient use of all United States officers and employees having mutual security responsibilities.

(5) Keeping the United States representatives fully informed as to current and prospective United States policies.

(6) Prescribing procedures governing the coordination of the activities of the United States representatives, and assuring that these representatives shall have access to all available information essential to the accomplishment of their prescribed duties.

(7) Preparing and submitting such reports on the operation and status of the programs under the Act as may be directed by the Director for Mutual Security.

(b) Each Chief of United States Diplomatic Mission shall perform his functions under this order in accordance with instructions from higher authority and subject to established policies and programs of the United States.

(c) No Chief of United States Diplomatic Mission shall delegate any function conferred upon him by the provisions of this order which directly involves the exercise of direction, coordination, or authority.

SEC. 2. *Referral of unresolved matters.* The Chief of the United States Diplomatic Mission in each country shall initiate steps to reconcile any divergent views arising in the country concerned with respect to programs under the Act. If agreement cannot be reached the Chief of the United States Diplomatic Mission shall recommend a course of action, and such course of action shall be followed unless a United States representative requests that the issue be referred to higher authority for decision. If such a request is made, the parties concerned shall promptly refer the issue to higher authority for resolution prior to taking action at the country level. The Director for Mutual Security shall assure expeditious decisions on matters so submitted.

SEC. 3. *Effect of order on United States representatives.* (a) All United States representatives in each country shall be subject to the responsibilities imposed upon the Chief of the United States Diplomatic Mission in such country by section 507 of the Mutual Security Act of 1951 [section 1658 of this title] and by this order.

(b) Subject to compliance with the provisions of this order and with the prescribed procedures of their respective agencies, all United States representatives affected by this order (1) shall have direct communication with their respective agencies and with such other parties and in such manner as may be authorized by their respective agencies, (2) shall keep the respective Chiefs of United States Diplomatic Missions and each other fully and currently informed on all matters, including prospective plans, recommendations, and actions, relating to programs under the Act, and (3) shall furnish to the respective Chiefs of United States Diplomatic Missions, upon their request, documents and information concerning the said programs.

SEC. 4. *Further coordination procedures.* The Director for Mutual Security shall be responsible for assuring the carrying out of the provisions of this order. He is authorized to prescribe, after consultation with the interested Government agencies, any additional procedures he may find necessary to carry out the provisions of this order.

SEC. 5. *Prior orders.* (a) To the extent that provisions of any prior order are inconsistent with the provisions of this order, the latter shall control, and any such prior provisions are amended accordingly. All orders, regulations, rulings, certificates, directives, and other actions relating to any function affected by this order shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority.

(b) Nothing in this order shall affect Executive Orders Nos. 10062, 10063, and 10144 of June 6, 1949, June 13, 1949, and July 21, 1950, respectively.

(c) Executive Orders Nos. 9857, 9862, 9864, 9914, 9944, 9960, 10208, and 10259 of May 22, 1947, May 31, 1947, December 26, 1947, April 9, 1948, May 19, 1948, January 25, 1951, and June 27, 1951, respectively, are hereby revoked.

EX. ORD. NO. 10893. ADMINISTRATION OF MUTUAL SECURITY AND RELATED FUNCTIONS

Ex. Ord. No. 10893, Nov. 8, 1960, 25 F.R. 10731, as amended by Ex. Ord. No. 10900, Jan. 5, 1961, 26 F.R. 143; Ex. Ord. No. 10915, Jan. 24, 1961, 26 F.R. 781; Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, provided:

By virtue of the authority vested in me by the Mutual Security Act of 1954, 68 Stat. 832, as amended (22 U.S.C. 1750 et seq.), and section 301 of title 3 of the United States Code, and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

PART I—ASSIGNMENT OF FUNCTIONS AND DUTIES

[Superseded by Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469]

PART II—COORDINATION AND SUPERVISION OF FUNCTIONS ABROAD

SEC. 201. *Functions of Chiefs of United States Diplomatic Missions.* The several Chiefs of the United States Diplomatic Missions in foreign countries, as the representatives of the President and acting on his behalf, shall have and exercise, to the extent permitted by law and in accordance with such instructions as the President may from time to time promulgate, affirmative responsibility for the coordination and supervision over the carrying out by agencies of their functions in the respective countries.

PART III—GENERAL PROVISIONS

[Superseded by Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469]

§ 2383. Secretary of Defense; responsibilities; priorities in procurement, delivery, and allocation of military equipment

(a) In the case of assistance under subchapter II of this chapter, the Secretary of Defense shall have primary responsibility for—

(1) the determination of military end-item requirements;

(2) the procurement of military equipment in a manner which permits its integration with service programs;

(3) the supervision of end-item use by the recipient countries;

(4) the supervision of the training of foreign military and related civilian personnel;

(5) the movement and delivery of military end-items; and

(6) within the Department of Defense, the performance of any other functions with respect to the furnishing of military assistance, education and training.

(b) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall be determined by the Secretary of Defense.

(Pub. L. 87-195, pt. III, § 623, Sept. 4, 1961, 75 Stat. 446; Pub. L. 94-329, title I, § 106(b)(3), June 30, 1976, 90 Stat. 733.)

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1976—Subsec. (a)(4). Pub. L. 94-329, § 106(b)(3)(A), added "and related civilian" following "military".

Subsec. (a)(6). Pub. L. 94-329, § 106(b)(3)(B), added "education and training" following "assistance".

§ 2384. Statutory officers

(a) Appointment

The President may appoint, by and with the advice and consent of the Senate, twelve officers in the agency primarily responsible for ad-

ministering subchapter I of this chapter, and in the selection of one of such persons due consideration shall be given to persons qualified as professional engineers.

(b) Rate of compensation; title of officers; order of succession

Within the limitations established by subsection (a) of this section, the President may fix the rate of compensation, and may designate the title of, any officer appointed pursuant to the authority contained in that subsection. The President may also fix the order of succession among the officers provided for in subsection (a) of this section in the event of the absence, death, resignation, or disability of one or more of said officers.

(c) Appointment of certain statutory officers to comparable positions

Any person who was appointed by and with the advice and consent of the Senate, to any statutory position authorized by any provision of law repealed by section 642(a) and who is serving in one of such positions at the time of transfer of functions pursuant to subsections (c) and (d) of section 2381 of this title, may be appointed by the President to a comparable position authorized by subsection (a) of this section on the date of the establishment of the agency primarily responsible for administering subchapter I of this chapter, without further action by the Senate.

(d) Additional appointments; transfer of personnel, property, records, and funds of Office of Inspector General and Comptroller; duties and responsibilities of Inspector General; access to records; suspension of projects or operations; expenses; internal audit, end-use inspection, and management inspection reports

(1) In addition to the officers provided for in subsection (a) of this section, there shall be in the Department of State an officer with the title of "Inspector General, Foreign Assistance," who shall be appointed by the President, by and with the advice and consent of the Senate. In addition, there shall be one Deputy Inspector General, Foreign Assistance, who shall be appointed by the President by and with the advice and consent of the Senate, and two Assistant Inspector Generals, Foreign Assistance, who shall be appointed by the President, and such other personnel as may be required to carry out the functions vested in the Inspector General, Foreign Assistance, by this subsection. Notwithstanding any other provisions of law, such of the personnel employed under the authority of section 1793a of this title, as amended, as the Inspector General, Foreign Assistance, may designate, and such of the property, records, and funds of the office established by such section as the Inspector General, Foreign Assistance, may deem necessary, may be transferred to the office of the Inspector General, Foreign Assistance.

(2) The Inspector General, Foreign Assistance, shall report directly to the Secretary of State and shall have the following duties and responsibilities:

(A) He shall arrange for, direct or conduct such reviews, inspections and audits of programs being conducted under subchapter I of this chapter (including the Overseas Private Investment Corporation), and under part IV of the Foreign Assistance Act of 1969 (the Inter-American Foundation) [22 U.S.C. 290f] and of the Peace Corps, and programs being conducted by United States Government agencies under the Latin American Development Act, as amended, as he considers necessary for the purposes of ascertaining the efficiency and the economy of their administration, their consonance with the foreign policy of the United States, and the attainment of their objectives.

(B) For the purpose of ascertaining the extent to which programs being carried out under subchapter II of this chapter and the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.], are in consonance with the foreign policy of the United States, are aiding in the attainment of the objectives of this chapter, and are being carried out consistently with the responsibilities with respect thereto of the respective United States chiefs of missions and of the Secretary of State, as well as the efficiency and the economy with which such responsibilities are discharged, he shall arrange for, direct or conduct such reviews, inspections and audits of programs under subchapter II of this chapter and the Agricultural Trade Development and Assistance Act of 1954, as amended, as he considers necessary.

(3) The Inspector General, Foreign Assistance, shall maintain continuous observation and review of programs with respect to which he has responsibilities under paragraph (2) of this subsection for the purpose of—

(A) determining the extent to which such programs are in compliance with applicable laws and regulations;

(B) making recommendations for the correction of deficiencies in, or for improving the organization, plans or procedures of, such programs; and

(C) evaluating the effectiveness of such programs in attaining United States foreign policy objectives and reporting to the Secretary of State with respect thereto.

(4) In order to eliminate duplication and to assure full utilization of existing data, the Inspector General, Foreign Assistance, shall, in carrying out his duties under this chapter, give due regard to the audit, investigative and inspection activities of the various agencies, including those of the General Accounting Office and of the military Inspectors General.

(5) For the purpose of aiding in carrying out his duties under this chapter, the Inspector General, Foreign Assistance, shall have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material of the agencies of the United States Government administering subchapter I or II of this chapter, and of the Latin American Development Act, as amended, the Peace Corps or the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.], and part IV of the Foreign Assistance Act of 1969 [22 U.S.C. 290f]. All agencies of the United States Government shall cooperate with the Inspector General, Foreign Assistance, and shall furnish assistance upon request to the In-

spector General, Foreign Assistance, in aid of his responsibilities.

(6) The Inspector General, Foreign Assistance, shall have authority to suspend all or any part of any project or operation (but not a country program) with respect to which he has conducted or is conducting an inspection, audit or review provided he first has given written notice to the Secretary of State. Any such suspension shall remain effective until such program or part thereof is ordered resumed by the Inspector General, Foreign Assistance, or by the Secretary of State. This paragraph shall not apply to subchapter II of this chapter, and with respect to the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.], shall apply only to projects and operations administered by the Secretary of State.

(7) Expenses of the Inspector General, Foreign Assistance, with respect to programs under subchapter I or II of this chapter, and part IV of the Foreign Assistance Act of 1969 [22 U.S.C. 290f], and the Latin American Development Act, as amended and the Peace Corps shall be charged to the appropriations made to carry out such programs, and with respect to programs under the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.], shall be charged to funds available under the authority of this chapter: *Provided*, That such appropriations shall not be charged with such expenses after the expiration of a thirty-five day period which begins on the date the General Accounting Office, or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation, appropriations, or expenditures under this chapter, has delivered to the Office of the Secretary of State a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material which relates to the operation or activities of the Inspector General, Foreign Assistance, unless and until there has been furnished to the General Accounting Office, or to such committee, or subcommittee, as the case may be, (A) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (B) a certification by the President personally that he has forbidden the furnishing thereof pursuant to such request and his reason for so doing. The waiver authority in section 2364(a) of this title and the provisions of section 2394(c) of this title shall not apply to this subsection. Such expenses shall not exceed $2,000,000 in any fiscal year. The Inspector General, Foreign Assistance, may make expenditures (not in excess of $2,000 in any fiscal year) of a confidential nature when he finds that such expenditures are in aid of inspections, audits or reviews under this subsection. A certificate of the amount of each such expenditure, the nature of which it is considered inadvisable to specify, shall be made by the Inspector General, Foreign Assistance, and every such certificate shall be deemed a sufficient voucher for the amount therein specified.

(8) Whenever the Inspector General, Foreign Assistance, deems it appropriate in carrying out his duties under this chapter, he may from time to time notify the head of any agency primarily responsible for administering any program with respect to which the Inspector General, Foreign Assistance, has responsibilities under paragraph (2) of this subsection that all internal audit, end-use inspection, and management inspection reports submitted to the head of such agency or mission in the field in connection with such program from any geographic areas designated by the Inspector General, Foreign Assistance, shall be submitted simultaneously to the Inspector General, Foreign Assistance. The head of each such agency shall cooperate with the Inspector General, Foreign Assistance, in carrying out the provisions of this paragraph.

(e) Coordinator for security assistance

In addition to the officers otherwise provided for in this section, the President shall appoint, by and with the advice and consent of the Senate, one officer for the purpose of coordinating security assistance programs.

(f) Coordinator for Human Rights and Humanitarian Affairs

(1) There is established in the Department of State a Coordinator for Human Rights and Humanitarian Affairs. The Coordinator shall be appointed by the President with the advice and consent of the Senate. He shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy. The Secretary of State shall carry out his responsibility under section 2304 of this title through the Coordinator for Human Rights and Humanitarian Affairs.

(2) The Coordinator for Human Rights and Humanitarian Affairs shall maintain continuous observation and review of all matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy including—

(A) gathering detailed information regarding humanitarian affairs and the observance of and respect for internationally recognized human rights in each country to which requirements of sections 2151n and 2304 of this title are relevant;

(B) preparing the statements and reports to Congress required under section 2304 of this title;

(C) making recommendations to the Secretary of State and the Administrator of the Agency for International Development regarding compliance with sections 2151n and 2304 of this title; and

(D) performing other responsibilities which serve to promote increased observance of internationally recognized human rights by all countries.

(Pub. L. 87-195, pt. III, § 624, Sept. 4, 1961, 75 Stat. 447; Pub. L. 87-565, pt. III, § 302(b), Aug. 1, 1962, 76 Stat. 262; Pub. L. 88-205, pt. III, § 302(b), Dec. 16, 1963, 77 Stat. 388; Pub. L. 88-462, title III, § 305(33), (42), Aug. 14, 1964, 78 Stat. 426, 428; Pub. L. 89-171, pt. III, § 302(b), Sept. 6, 1965, 79 Stat. 660; Pub. L. 89-583, pt.

III, § 302(b), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90-137, pt. III, § 302(a), Nov. 14, 1967, 81 Stat. 460; Pub. L. 91-175, pt. III, § 304, Dec. 30, 1969, 83 Stat. 821 Pub. L. 92-226, pt. III, § 302, Feb. 7, 1972, 86 Stat. 28; Pub. L. 94-329, title III, § 301(b), June 30, 1976, 90 Stat. 750.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

Section 642(a), referred to in subsec. (c), means section 642(a) of Pub. L. 87-195, which is set out as a note under section 2151 of this title.

Section 1793a of this title, referred to in subsec. (d)(1), was repealed by Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460.

The Foreign Assistance Act of 1969, referred to in subsecs. (d)(2)(A), (5), and (7), is Pub. L. 91-175, Dec. 30, 1969, 83 Stat. 805. Part IV of the Act is classified to subchapter XXI (section 290f) of chapter 7 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Latin American Development Act, as amended, referred to in subsecs. (d)(2)(A), (5), and (7), is Pub. L. 86-735, Sept. 8, 1960, 74 Stat. 869, as amended, which enacted sections 1942 to 1945 of this title and amended section 1753a of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1942 of this title and Tables volume.

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsec. (d)(2)(B), (5), (6), and (7), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified principally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b; REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

CODIFICATION

In subsec. (d)(2)(A), "(the Inter-American Foundation)" was substituted for "(the Inter-American Social Development Institute)" on authority of Pub. L. 92-226, pt. IV, § 406, 86 Stat. 34, which substituted "Inter-American Foundation" for "Inter-American Social Development Institute" in Part IV of the Foreign Assistance Act of 1969 [§ 290f of this title].

AMENDMENTS

1976—Subsec. (f). Pub. L. 94-329 added subsec. (f).

1972—Subsec. (e). Pub. L. 92-226 added subsec. (e).

1969—Subsec. (d)(2)(A). Pub. L. 91-175, § 304(1), added provision including the Overseas Private Investment Corporation in Inspector General's reviews and audits, and added provision authorizing the conduct of such reviews and audits for programs under section 290f of this title.

Subsec. (d)(5). Pub. L. 91-175, § 304(2), included section 290f of this title within the provisions of this section.

Subsec. (d)(7). Pub. L. 91-175, § 304(3), included section 290f of this title within the provisions of this section.

1967—Subsec. (d)(2)(B). Pub. L. 90-137 struck out "of assistance" following "programs" in two instances.

1966—Subsec. (d)(8). Pub. L. 89-583 added par. (8).

1965—Subsec. (b). Pub. L. 89-171, § 302(b)(1), struck out "paragraph (3) of" preceding "subsection (a) of this section" the second time it appears and substituted "of one or more of said officers" for "of the officers provided for in paragraphs (1) and (2) of that subsection".

Subsec. (d)(2)(A). Pub. L. 89-171, § 302(b)(2), substituted "the Latin American Development Act, as amended" for "Public Law 86-735".

Subsec. (d)(5). Pub. L. 89-171, § 302(b)(2), substituted "the Latin American Development Act, as amended" for "Public Law 86-735".

Subsec. (d)(7). Pub. L. 89-171, § 302(b)(2), substituted "the Latin American Development Act, as amended" for "Public Law 86-735".

1964—Subsec. (a). Pub. L. 88-426, § 305(42), repealed provisions which related to the appointment of an Under Secretary, Deputy Under Secretary and ten Assistant Secretaries and prescribed their rates of compensation.

Subsec. (d)(1). Pub. L. 88-426, § 305(33), repealed provisions which prescribed the compensation of the Inspector General, Deputy Inspector General and Assistant Inspector Generals. See section 5315 of Title 5, Government Organization and Employees.

1963—Subsecs. (a)(2), (3). Pub. L. 88-205, § 302(b)(1), (2), reduced the number of Deputy Under Secretaries from two to one in par. (2), and increased the number of Assistant Secretaries from 9 to 10 in par. (3).

Subsec. (b). Pub. L. 88-205, § 302(b)(3), made conforming changes in language to reflect that only one Deputy Under Secretary may now be appointed.

Subsec. (d)(1). Pub. L. 88-205, § 302(b)(4), inserted "who shall be appointed by the President by and with the advice and consent of the Senate," and increased the salary of the Deputy Inspector General, Foreign Assistance, from $19,500 to $20,000.

1962—Subsec. (d). Pub. L. 87-565 redesignated former subsec. (e) as (d), and inserted ", and programs being conducted by United States Government Agencies under sections 1942 to 1945 of this title," in par. 2(A), and ", and sections 1942 to 1945 of this title," in pars. (5) and (7), and repealed former subsec. (d) which related to the temporary continuation of certain statutory positions.

Subsec. (e). Pub. L. 87-565 redesignated former subsec. (e) as (d).

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

CROSS REFERENCES

Compensation of officers, see chapter 53 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2385, 2389 of this title.

§ 2385. Employment of personnel

(a) Authorization

Any agency or officer of the United States Government carrying out functions under this chapter is authorized to employ such personnel as the President deems necessary to carry out the provisions and purposes of this chapter.

(b) Appointments excepted from civil-service laws; supergrade positions; reinstatement

Of the personnel employed in the United States to carry out subchapter I of this chapter or coordinate subchapter I and subchapter II of this chapter, not to exceed one hundred and ten may be appointed, compensated, or removed without regard to the provisions of any law, of whom not to exceed fifty-one may be compensated at rates higher than those provided for grade 15 of the general schedule established by section 5332 of title 5, but not in excess of the highest rate of grade 18 of such general schedule: *Provided*, That, under such regulations as the President shall prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 5108 of title 5.

(c) Additional supergrade positions

Of the personnel employed in the United States to carry out subchapter II of this chapter, or any Act superseding subchapter II of this chapter in whole or in part, not to exceed eight may be compensated at rates higher than those provided for grade 15 of the general schedule established by section 5332 of title 5, but not in excess of the highest rate of grade 18 of such general schedule. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 5108 of title 5.

(d) Employment or assignment of officers and employees to perform functions outside United States

For the purpose of performing functions under this chapter outside the United States the President may—

(1) employ or assign persons, or authorize the employment or assignment of officers or employees by agencies of the United States Government, who shall receive compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.], together with allowances and benefits thereunder; and persons so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 528 of the Act [22 U.S.C. 928] for persons appointed to the Foreign Service Reserve, and the provisions of section 1005 of that Act [22 U.S.C. 807] shall apply in the case of such persons, except that policymaking officials shall not be subject to that part of section 1005 of that Act [22 U.S.C. 807] which prohibits political tests; and

(2) utilize such authority, including authority to appoint and assign personnel for the duration of operations under this chapter, contained in the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.], as the President deems necessary to carry out functions under this chapter; and such provisions of the Foreign Service Act of 1946, as amended, as the President deems appropriate shall apply to personnel appointed or assigned under this paragraph, including in all cases the provisions of section 528 of that Act [22 U.S.C. 928]: *Provided, however*, That the President may by regulation make exceptions to the application of section 528 of that Act [22 U.S.C. 928] in cases in which the period of the appointment or assignment exceeds thirty months: *Provided further*, That Foreign Service Reserve officers appointed or assigned pursuant to this paragraph shall receive within-class salary increases in accordance with such regulations as the President may prescribe: *Provided further*, That, whenever the President determines it to be important for the purposes of this chapter, the President may initially assign personnel under this paragraph for duty within the United States for a period not to exceed two years for the purpose of preparation for assignment outside the United States; however, the authority contained in this proviso may not be exercised with respect to the assignment to such duty of more than fifty persons at any one time.

(e) Standards or other criteria for maintenance of adequate performance levels for personnel

The President is authorized to prescribe by regulation standards or other criteria for maintaining adequate performance levels for personnel appointed or assigned pursuant to paragraph (2) of subsection (d) of this section and section 1787(c)(2) of this title, as amended, and may, notwithstanding any other law, but subject to an appropriate administrative appeal, separate employees who fail to meet such standards or other criteria, and also may grant such personnel severance benefits of one month's salary for each year's service, but not to exceed one year's salary at the then current salary rate of such personnel.

(f) Funds for personnel services

Funds provided for in agreements with foreign countries for the furnishing of services under this chapter with respect to specific projects shall be deemed to be obligated for the services of personnel employed by agencies of the United States Government (other than the agencies primarily responsible for administering subchapter I or II of this chapter) as well as personnel not employed by the United States Government.

(g) Competency in foreign languages

The principles regarding foreign language competence set forth in section 578 of the Foreign Service Act of 1946, as amended [22 U.S.C. 968] shall be applicable to personnel carrying out functions under this chapter and the Secretary of State shall make appropriate designations and standards for such personnel.

(h) Acceptance of compensation or other benefits from foreign countries; arrangements for reimbursement

Notwithstanding any other provision of law, officers and employees of the United States Government performing functions under this chapter shall not accept from any foreign country any compensation or other benefits. Arrangements may be made by the President with such countries for reimbursement to the United States Government or other sharing of the cost of performing such functions.

(i) Assignment based on competency

To the maximum extent practicable officers and employees performing functions under this chapter abroad shall be assigned to countries and positions for which they have special competence, such as appropriate language and practical experience.

(j) Inter-American Committee representative

The President may appoint or assign a United States citizen to be representative of the United States to the Inter-American Committee on the Alliance for Progress and, in his discretion, may terminate such appointment or assignment, notwithstanding any other provision of law. Such person may be compensated at a rate not to exceed that authorized for a chief of mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.].

(k) Foreign Service Retirement and Disability System

(1) In accordance with such regulations as the President may prescribe, the following categories of personnel who serve in the agency primarily responsible for administering subchapter I of this chapter shall become participants in the Foreign Service Retirement and Disability System:

(A) persons serving under unlimited appointments in employment subject to subsection (d)(2) of this section as Foreign Service Reserve officers and as Foreign Service staff officers and employees; and

(B) a person serving in a position to which he was appointed by the President, whether with or without the advice and consent of the Senate, if (i) such person shall have served previously under an unlimited appointment pursuant to such subsection (d)(2) of this section or a comparable provision of predecessor legislation to this chapter, and (ii) following service specified in clause (i) of this subparagraph, such person shall have served continuously with such agency or its predecessor agencies only in positions established under the authority of sections 2384(a) and 2391(b) of this title or comparable provisions of predecessor legislation to this chapter.

(2) Upon becoming a participant in the Foreign Service Retirement and Disability System, any such officer or employee shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended [22 U.S.C. 1092]. Thereafter, compulsory contributions will be made with respect to each such participating officer or employee in accordance with the provisions of section 811 of the Foreign Service Act of 1946, as amended [22 U.S.C. 1071].

(3) The provisions of section 636 [22 U.S.C. 1006] and title VIII of the Foreign Service Act of 1946, as amended [22 U.S.C. 1061 et seq.], shall apply to participation in the Foreign Service Retirement and Disability System by any such officer or employee.

(4) If an officer who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection is appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any agency of the United States Government, any United States delegation or mission to any international organization, in any international commission, or in any international body, such officer shall not, by virtue of the acceptance of such an appointment, lose his status as a participant in the system.

(5) Any such officer or employee who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection shall be mandatorily retired (A) at the end of the month in which he reaches age seventy, or (B) earlier if, during the third year after January 1, 1975, he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one; and thereafter at the end of the month in which he reaches age sixty. However, no participant shall be mandatorily retired under this paragraph while serving in a position to which appointed by the President, by and with the advice and consent of the Senate. Any participant who completes a period of authorized service after reaching the mandatory retirement age specified in this paragraph shall be retired at the end of the month in which such service is completed.

(6) Whenever the President deems it to be in the public interest, he may extend any participant's service for a period not to exceed five years after the mandatory retirement date of such officer or employee.

(7) This subsection shall become effective on January 1, 1975, except that any officer or employee who, before January 1, 1975, meets the requirements for participation in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection may elect to become a participant before January 1, 1975. Such officer or employee shall become a participant on the first day of the second month following the date of his application for earlier participation. Any officer or employee who becomes a participant in the system under the provisions of paragraph (1) of this subsection, who is age fifty-seven or over on January 1, 1975, may retire voluntarily at any time before mandatory retirement under paragraph (5) of this subsection and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended [22 U.S.C. 1076].

(8) Any officer or employee who is separated for cause while a participant in the Foreign Service Retirement and Disability System pursuant to this subsection, shall be entitled to benefits in accordance with section 637(b) and (d) of the Foreign Service Act of 1946, as

amended [22 U.S.C. 1007(b) and (d)]. The provisions of subsection (e) of this section shall apply to participants in lieu of the provisions of sections 633 and 634 of the Foreign Service Act of 1946, as amended [22 U.S.C. 1003 and 1004].

(Pub. L. 87-195, pt. III, § 625, Sept. 4, 1961, 75 Stat. 449; Pub. L. 87-565, pt. III, § 302(c), Aug. 1, 1962, 76 Stat. 262; Pub. L. 87-793, § 1001(k), Oct. 11, 1962; 76 Stat. 865; Pub. L. 88-663, pt. III, § 302(a), Oct. 7, 1964, 78 Stat. 1014; Pub. L. 89-171, pt. III, § 302(c), Sept. 6, 1965, 79 Stat. 660; Pub. L. 90-137, pt. III, § 302(b) to (d), Nov. 14, 1967, 81 Stat. 460; Pub. L. 90-554, title III, § 302(c), Oct. 8, 1968, 82 Stat. 965; Pub. L. 93-189, § 16, Dec. 17, 1973, 87 Stat. 722.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

Section 1787(c)(2) of this title, referred to in subsec. (e), was repealed by Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460.

The Foreign Service Act of 1946, as amended, referred to in subsec. (d)(1), (2), is act Aug. 13, 1946, ch. 957, titles I to IX, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. Provisions relating to the compensation of a chief of mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended, referred to in subsec. (j), are contained in section 866 of this title. Title VIII of the Foreign Service Act of 1946, as amended, referred to in subsec. (k)(3), is classified generally to subchapter VIII (§ 1061 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

Section 852 of the Foreign Service Act of 1946, as amended [22 U.S.C. 1092], referred to in subsec. (k)(2), was repealed by Pub. L. 94-350, title V, § 516, July 12, 1976, 90 Stat. 845.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b; REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1973—Subsec. (k). Pub. L. 93-189 added subsec. (k).

1968—Subsec. (c). Pub. L. 90-554 inserted "or any Act superseding subchapter II of this chapter in whole or in part" following "to carry out subchapter II of this chapter".

1967—Subsecs. (b), (c). Pub. L. 90-137, § 302(b), (c), substituted references to section 5332 of title 5 for former references to the Classification Act of 1949, as amended, and to section 5108 for former section 1105 of title 5.

Subsec. (d)(2). Pub. L. 90-137, § 302(d), authorized an increase in the assignment of foreign personnel from forty to fifty persons.

1965—Subsec. (d)(2). Pub. L. 89-171 substituted "forty" for "twenty".

1964—Subsec. (d)(2). Pub. L. 88-633, § 302(a)(1), substituted "the assignment to such duty of more than twenty persons at any one time" for "more than thirty persons in the aggregate".

Subsec. (j). Pub. L. 88-633, § 302(a)(2), added subsec. (j).

1962—Subsec. (b). Pub. L. 87-793, § 1001(k)(1), substituted "but not in excess of the highest rate of grade 18 of such general schedule" for "and of these, not to exceed eight may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year".

Pub. L. 87-565, § 302(c)(1), substituted "one hundred and ten" for "seventy-six".

Subsec. (c). Pub. L. 87-793, § 1001(k)(2), substituted "but not in excess of the highest rate of grade 18 of such general schedule" for "and of these, not to exceed three may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year".

Subsec. (d)(2). Pub. L. 87-565, § 302(c)(2), authorized the President to initially assign personnel, not exceeding 30 persons in the aggregate, for duty within the United States for a period not exceeding two years for preparation for duty outside the United States.

Subsec. (f). Pub. L. 87-565, § 302(c)(3), inserted "with respect to specific projects", and "agencies of", and excluded services of employees of agencies primarily responsible for administering subchapter I or II of this chapter from the purview of this subsection.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-793 effective on the first day of the first pay period which begins on or after Oct. 11, 1962, see section 1008 of Pub. L. 87-793.

DELEGATION OF FUNCTIONS

Functions of the President under subsecs. (a), (h) of this section delegated to the Secretary of Defense, see section 201(b) of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

Function of the President prescribing regulations under the proviso in subsec. (b) of this section delegated to the Chairman of the Civil Service Commission, see section 303 of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

Functions of the President under subsec. (d)(1) of this section delegated to the Overseas Private Investment Corporation, see section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

CROSS REFERENCES

Chiefs of missions, salaries of, see section 866 of this title.

Compensation of Foreign Service Reserve and Staff, see sections 866 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2391, 2396 of this title.

§ 2386. Experts, consultants, and retired officers

(a) Employment; compensation; renewal of contracts of employment

Experts and consultants or organizations thereof may as authorized by section 3109 of title 5 be employed for the performance of functions under this chapter, and individuals so employed may be compensated at rates not in excess of the daily equivalent of the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5, and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel

regulations, as amended from time to time. Contracts for such employment with such organizations, employment of personnel as experts and consultants, not to exceed ten in number, contracts for such employment of retired military personnel with specialized research and development experience, not to exceed ten in number, and contracts for such employment of retired military personnel with specialized experience of a broad politico-military nature, not to exceed five in number, may be renewed annually.

(b) Exemption from certain Federal laws

Service of an individual as an expert or consultant under subsection (a) of this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of sections 3323(a) and 8344 of title 5, section 1112 of this title, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 5532 of title 5.

(c) Employment without compensation of persons of outstanding experience and ability

Persons of outstanding experience and ability may be employed without compensation by any agency of the United States Government for the performance of functions under this chapter in accordance with the provisions of section 2160(b) of Appendix to title 50, and regulations issued thereunder.

(Pub. L. 87-195, pt. III, § 626, Sept. 4, 1961, 75 Stat. 451; Pub. L. 88-205, pt. III, § 302(c), Dec. 16, 1963, 77 Stat. 389; Pub. L. 88-448, title IV, §§ 401(e), 402(a)(35), Aug. 19, 1964, 78 Stat. 490, 495; Pub. L. 88-633, pt. III, § 302(b), Oct. 7, 1964, 78 Stat. 1014; Pub. L. 89-171, pt. III, § 302(d), Sept. 6, 1965, 79 Stat. 660; Pub. L. 90-137, pt. III, § 302(e), Nov. 14, 1967, 81 Stat. 460; Pub. L. 94-329, title VI, § 603, June 30, 1976, 90 Stat. 766.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-329 substituted "the daily equivalent of the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5" for "$100 per diem".

1967—Subsec. (a). Pub. L. 90-137, § 302(e)(1), substituted reference to section 3109 for former section 55a of title 5.

Subsec. (b). Pub. L. 90-137, § 302(e)(2), substituted references to sections 3323(a) and 8344 of title 5 for former section 2263 of title 5 and to section 5532 of title 5 for former section 3102 of title 5.

1965—Subsec. (c). Pub. L. 89-171 redesignated subsec. (d) as (c). Former subsec. (c) was repealed by Pub. L. 88-448, title IV, § 402(a)(35), Aug. 19, 1964, 78 Stat. 495.

Subsec. (d). Pub. L. 89-171 redesignated subsec. (d) as (c).

1964—Subsec. (a). Pub. L. 88-633, § 302(b)(1), increased the compensation limits from $75 to $100 per diem.

Subsec. (b). Pub. L. 88-448, § 401(e), eliminated provisions which stated that service as an expert or consultant under subsection (a) of this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 59a of title 5, and added words ", subject to section 3102 of title 5".

Subsec. (c). Pub. L. 88-448, § 402(a)(35), repealed former subsec. (c), which related to compensation of retired officers.

Pub. L. 88-633, § 302(b)(2), substituted "section 101(3) of Title 37" for "Career Compensation Act of 1949, as amended," in subsec. (c) subsequent to the repeal of such subsection by Pub. L. 88-448.

1963—Subsec. (b). Pub. L. 88-205 substituted "Service of an individual as an expert or consultant under subsection (a) of this section shall not" for "Nor shall such service", and eliminated provisions exempting individuals serving under subsec. (a) of this section from coverage of sections 281, 283, or 284 of title 18, section 99 of title 5, or any Federal law imposing restrictions, requirements, or penalties in connection with claims or matters involving the U.S. Government, except insofar as such provisions prohibited such individuals from receiving compensation in respect of any matter in which such individual was directly involved in the performance of such service.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-448 effective on the first day of the first month which begins later than the ninetieth day following Aug. 19, 1964, see section 403 of Pub. L. 88-448.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2396 of this title.

§ 2387. Detail of personnel to foreign governments

Whenever the President determines it to be in furtherance of the purposes of this chapter, the head of any agency of the United States Government is authorized to detail or assign any officer or employee of his agency to any office or position with any foreign government or foreign government agency, where acceptance of such office or position does not involve the taking of an oath of allegiance to another government or the acceptance of compensation or other benefits from any foreign country by such officer or employee.

(Pub. L. 87-195, pt. III, § 627, Sept. 4, 1961, 75 Stat. 452.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Secretary of Defense, see section 201(b) of Ex. Ord. No. 10973., Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

Functions of the President under this section delegated to the Overseas Private Investment Corporation, see section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2389 of this title.

§ 2388. Detail of personnel to international organizations

Whenever the President determines it to be consistent with and in furtherance of the purposes of this chapter, the head of any agency of the United States Government is authorized to detail, assign, or otherwise make available to any international organization any officer or employee of his agency to serve with, or as a member of, the international staff of such organization, or to render any technical, scientific, or professional advice or service to, or in cooperation with, such organization.

(Pub. L. 87-195, pt. III, § 628, Sept. 4, 1961, 75 Stat. 452.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Secretary of Defense, see section 201(b) of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

Functions of the President under this section delegated to the Overseas Private Investment Corporation, see section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2389 of this title.

§ 2389. Status of personnel detailed to foreign governments or international organizations; representation allowances

(a) Any officer or employee, while assigned or detailed under section 2387 or 2388 of this title shall be considered, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned, and he shall continue to receive compensation, allowances, and benefits from funds appropriated to that agency or made available to that agency under this chapter.

(b) Any officer or employee assigned, detailed, or appointed under section 2387, 2388, 2391 or 2384(d) of this title is authorized to receive under such regulations as the President may prescribe, representation allowances similar to those allowed under section 1131 of this title. The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 5536 of title 5.

(Pub. L. 87-195, pt. III, § 629, Sept. 4, 1961, 75 Stat. 452; Pub. L. 87-565, pt. III, § 302(d), Aug. 1, 1962, 76 Stat. 262; Pub. L. 90-137, pt. III, § 302(f), Nov. 14, 1967, 81 Stat. 460.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1967—Subsec. (b). Pub. L. 90-137 substituted reference to section 5536 of title 5 for former section 70 of title 5.

1962—Subsec. (b). Pub. L. 87-565 substituted "2384(d)" for "2384(e)".

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (b) of this section delegated to the Overseas Private Investment Corporation, see section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2390 of this title.

§ 2390. Terms of detail or assignment of personnel

Details or assignments may be made under section 2387 or 2388 of this title or section 1928 of this title—

(1) without reimbursement to the United States Government by the foreign government or international organization;

(2) upon agreement by the foreign government or international organization to reimburse the United States Government for compensation, travel expenses, benefits and allowances, or any part thereof, payable to the officer or employee concerned during the period of assignment or detail; and such reimbursements (including foreign currencies) shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, benefits or allowances, or to the appropriation, fund, or account currently available for such purposes;

(3) upon an advance of funds, property, or services by the foreign government or international organization to the United States Government accepted with the approval of the President for specified uses in furtherance of the purposes of this chapter; and funds so advanced may be established as a separate fund in the Treasury of the United States Government, to be available for the specified uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this chapter, any unexpended balance of such account to be returned to the foreign government or international organization; or

(4) subject to the receipt by the United States Government of a credit to be applied against the payment by the United States Government of its share of the expenses of the international organization to which the officer or employee is detailed or assigned, such credit to be based upon the compensation, travel expenses, benefits and allowances, or any part thereof, payable to such officer or employee during the period of detail or assignment in accordance with section 2389 of this title.

(Pub. L. 87-195, pt. III, § 630, Sept. 4, 1961, 75 Stat. 452; Pub. L. 89-171, pt. III, § 302(e), Sept. 6, 1965, 79 Stat. 660.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1965—Pub. L. 89-171 inserted "benefits" in pars. (2) and (4).

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Overseas Private Investment Corporation, see section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

§ 2391. Missions and staffs abroad

(a) Authorization

The President may maintain special missions or staffs outside the United States in such countries and for such periods of time as may be necessary to carry out the purposes of this chapter. Each such special mission or staff shall be under the direction of a chief.

(b) Appointment of mission chief and deputy; compensation

The chief and his deputy of each special mission or staff carrying out the purposes of subchapter I of this chapter shall be appointed by the President, and may, notwithstanding any other law, be removed by the President at his discretion. Such chief shall be entitled to receive (1) in cases approved by the President, the same compensation and allowances as a chief of mission, class 3, or a chief of mission, class 4, within the meaning of the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.], or (2) compensation and allowances in accordance with section 2385(d) of this title, as the President shall determine to be appropriate.

(c) Appointment of Chairman of Development Assistance Committee; compensation

The President may appoint any United States citizen who is not an employee of the United States Government or may assign any United States citizen who is a United States Government employee to serve as Chairman of the Development Assistance Committee or any successor committee thereto of the Organization for Economic Cooperation and Development upon election thereto by members of said Committee, and, in his discretion, may terminate such appointment or assignment, notwithstanding any other provision of law. Such person may receive such compensation and allowances as are authorized by the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.], not to exceed those authorized for a chief of mission, class 2, within the meaning of said Act, as the President may determine. Such person may also, in the President's discretion, receive any other benefits and perquisites available under this chapter to chiefs of special missions or staffs outside the United States established under this section.

(d) Administration of assistance

Wherever practicable, especially in the case of the smaller programs, assistance under this chapter shall be administered under the direction of the Chief of the United States Diplomatic Mission by the principal economic officer of the mission in the case of assistance under subchapter I of this chapter, and by the senior military officer of the mission in the case of assistance under subchapter II of this chapter.

(Pub. L. 87-195, pt. III, § 631, Sept. 4, 1961, 75 Stat. 453; Pub. L. 88-205, pt. III, § 302(d), Dec. 16, 1963, 77 Stat. 389; Pub. L. 89-171, pt. III, § 302(f), Sept. 6, 1965, 79 Stat. 660.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Foreign Service Act of 1946, as amended, referred to in subsecs. (b) and (c), is Act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. Provisions relating to the compensation and allowances of a chief of mission, within the meaning of the Act, are contained in section 866 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b; REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b) or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1965—Subsec. (d). Pub. L. 89-171 added subsec. (d).
1963—Subsec. (c). Pub. L. 88-205 added subsec. (c).

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (a) of this section delegated to the Secretary of Defense, see section 201(b) of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

FLAG AND GENERAL OFFICERS

Pub. L. 94-11, title I, § 100, Mar. 26, 1975, 89 Stat. 20, provided in part that: "The total number of flag and general officers of the United States Armed Forces assigned or detailed to military assistance advisory groups, military missions, or similar organizations, or performing duties primarily with respect to the Military Assistance Program and the Foreign Military Sales Program shall not exceed twenty after May 1, 1975."

CROSS REFERENCES

Compensation of chiefs of missions, see section 866 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2385, 2389, 2396 of this title.

§ 2392. Government agencies

(a) Allocation and transfer of funds

The President may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out the purposes of this chapter, including any advance to the United States Government by any country or international organization for the procurement of commodities, defense articles, military education and training, or services (including defense services). Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this chapter or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(b) Utilization of services and facilities of other agencies

Any officer of the United States Government carrying out functions under this chapter may utilize the services (including defense services) and facilities of, or procure commodities, defense articles, or military education and training from, any agency of the United States Government as the President shall direct, or with the consent of the head of such agency, and funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

(c) Reimbursement for commodities, services, and facilities

In the case of any commodity, service, or facility procured from any agency of the United States Government to carry out subchapter I of this chapter, reimbursement or payment shall be made to such agency from funds available to carry out such subchapter. Such reimbursement or payment shall be at replacement cost, or, if required by law, at actual cost, or at any other price authorized by law and agreed to by the owning or disposing agency. The amount of any such reimbursement or payment shall be credited to current applicable appropriations, funds, or accounts, from which there may be procured replacements of similar commodities, services, or facilities, except that where such appropriations, funds, or accounts are not reimbursable except by reason of this subsection, and when the owning or disposing agency determines that such replacement is not necessary, any funds received in payment therefor shall be deposited into the Treasury as miscellaneous receipts.

(d) Reimbursement for military assistance

Except as otherwise provided in section 2318 of this title, reimbursement shall be made to any United States Government agency, from funds available for use under subchapter II of this chapter, for any assistance furnished under subchapter II of this chapter, from, by, or through such agency. Such reimbursement shall be in an amount equal to the value (as defined in section 2403(m) of this title) of the defense articles or of the defense services (other than salaries of members of the Armed Forces of the United States), or other assistance furnished, plus expenses arising from or incident to operations under subchapter II of this chapter. The amount of such reimbursement shall be credited to the current applicable appropriations, funds, or accounts of such agency.

(e) Establishment of accounts

In furnishing assistance under this chapter, accounts may be established on the books of any agency of the United States Government or, on terms and conditions approved by the Secretary of the Treasury, in banking institutions in the United States, (1) against which letters of commitment may be issued which shall constitute recordable obligations of the United States Government, and moneys due or to become due under such letters of commitment shall be assignable under the Assignment of Claims Act of 1940, as amended (second and third paragraphs of section 203 of title 31 and section 15 of title 41), and (2) from which disbursements may be made to, or withdrawals may be made by, recipient countries or agencies, organizations, or persons upon presentation of contracts, invoices, or other appropriate documentation. Expenditure of funds which have been made available through accounts so established shall be accounted for on standard documentation required for expenditure of funds of the United States Government: *Provided,* That such expenditures for commodities, defense articles, military education and training, services (including defense services), or facilities procured outside the United States may be accounted for exclusively on such certification as may be prescribed in regulations approved by the Comptroller General of the United States.

(f) Credits made by Export-Import Bank of the United States

Credits made by the Export-Import Bank of the United States with funds allocated thereto under subsection (a) of this section or under section 1782(a) of this title, shall not be considered in determining whether the Bank has outstanding at any one time loans and guaranties to the extent of the limitation imposed by section 635e of title 12.

(g) Charge of expenses to appropriation or account

Any appropriation or account available to carry out provisions of subchapter I of this chapter may initially be charged in any fiscal year, within the limit of available funds, to finance expenses for which funds are available in other appropriations or accounts under subchapter I of this chapter: *Provided,* That as of the end of such fiscal year such expenses shall be finally charged to applicable appropriations or accounts with proper credit to the appropriations or accounts initially utilized for financing purposes: *Provided further,* That such final charge to applicable appropriations or accounts shall not be required in the case of expenses (other than those provided for under section 2397(a) of this title) incurred in furnishing assistance by the agency primarily responsible for administering subchapter I of this chapter where it is determined that the accounting costs of identifying the applicable appropriation or account to which such expenses should be charged would be disproportionate to the advantage to be gained.

(Pub. L. 87-195, pt. III, § 632, Sept. 4, 1961, 75 Stat. 453; Pub. L. 90-137, pt. III, § 302(g), Nov. 14, 1967, 81 Stat. 460; Pub. L. 90-629, ch. 4, § 45(b)(3), Oct. 22, 1968, 82 Stat. 1327; Pub. L. 94-329, title I, § 106(b)(4), June 30, 1976, 90 Stat. 733.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

Section 1782(a) of this title, referred to in subsec. (f), was repealed by Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460.

The Assignment of Claims Act of 1940, as amended, referred to in subsec. (e), is act Oct. 9, 1940, ch. 779, 54 Stat. 1029, as amended, which amended section 203 of Title 31, Money and Finance, and section 15 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 203 of Title 31 and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b; REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-329, § 106(b)(4)(A), added, "military education and training" following "articles".

Subsec. (b). Pub. L. 94-329, § 106(b)(4)(B), substituted "defense articles, or military education and training" for "and defense articles".

Subsec. (e). Pub. L. 94-329, § 106(b)(4)(A), added, "military education and training" following "articles".

1968—Subsec. (d). Pub. L. 90-629 struck out references to sections 2342 and 2343 of this title in the exception provision.

1967—Subsec. (d). Pub. L. 90-137 substituted reference to sections 2318, 2342, and 2343 for former reference to sections 2315 and 2318 of this title.

CHANGE OF NAME

"Export-Import Bank of Washington" was changed to "Export-Import Bank of the United States" to conform to such change in name in the Export-Import Bank Act of 1945, section 635 et seq. of Title 12, Banks and Banking provided for in section 1(a) of Pub. L. 90-267, Mar. 13, 1968, 82 Stat. 47.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-629 effective July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

ACCOUNTING ADJUSTMENTS BETWEEN APPROPRIATIONS

Charge of expenses to appropriation or account not affected by provisions for accounting adjustments between appropriations, see section 3 of Pub. L. 89-473, June 29, 1966, 80 Stat. 221, set out as a note under section 628a of Title 31, Money and Finance.

CROSS REFERENCES

Reimbursement for equipment, material, or services furnished members of the United Nations, see section 2211 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2194, 2403 of this title; title 10 section 2211.

§ 2393. Waiver of certain laws

(a) Contracts and expenditure of funds

Whenever the President determines it to be in furtherance of the purposes of this chapter, the functions authorized under this chapter may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951, as amended (50 U.S.C. App. 1211 et seq.) regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify.

(b) Neutrality laws

The functions authorized under subchapter II of this chapter may be performed without regard to such provisions as the President may specify of subchapter II of chapter 9 of this title.

(c) Assignment of personnel

Notwithstanding the provisions of sections 3544(b) and 8544(b) of title 10, personnel of the Department of Defense may be assigned or detailed to any civil office to carry out this chapter.

(Pub. L. 87-195, pt. III, § 633, Sept. 4, 1961, 75 Stat. 454.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Renegotiation Act of 1951, as amended, referred to in subsec. (a), is act Mar. 23, 1951, ch. 15, 65 Stat. 7, as amended, which is classified principally to section 1211 et seq. of the Appendix to Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1211 of the Appendix to Title 50, and Tables volume.

Sections 3544 and 8544 of title 10, referred to in subsec. (c), were repealed by Pub. L. 90-235, § 4(a)(6), Jan. 2, 1968, 81 Stat. 759.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

EXECUTIVE ORDER No. 10784

Ex. Ord. No. 10784, Oct. 1, 1958, 23 F.R. 7691, as amended by Ex. Ord. No. 10845, Oct. 12, 1959, 24 F.R. 8317, formerly set out as a note under this section, which specified laws from which functions authorized by this chapter shall be exempt, was superseded by Ex. Ord. No. 11223, May 12, 1965, 30 F.R. 6635, set out as a note under this section.

EXECUTIVE ORDER NO. 10845

Ex. Ord. No. 10845 of Oct. 12, 1959, formerly set out under this section, setting out laws from which authorized functions were exempt, was superseded by Ex. Ord. No. 11223, May 12, 1965, 30 F.R. 6635, set out as a note under this section.

EX. ORD. NO. 11223. SPECIFICATION OF LAWS FROM WHICH FUNCTIONS AUTHORIZED BY THIS CHAPTER SHALL BE EXEMPT

Ex. Ord. 11223, May 12, 1965, 30 F.R. 6635, provided:

By virtue of the authority vested in me by Section 633 of the Foreign Assistance Act of 1961, as amended, 75 Stat. 454 (22 U.S.C. 2393), it is hereby determined that, to the extent hereinafter indicated, the performance of functions authorized by that Act, as amended, and any predecessor legislation, without regard to the laws specified in the numbered subdivisions of Sections 1 and 2 of this order and without regard to consideration as specified in Sections 3 and 4 of this order will further the purposes of the Foreign Assistance Act of 1961, as amended [this chapter]:

SECTION 1. With respect to functions authorized by the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 *et seq.*), and any predecessor legislation except those functions exercised by the Department of Defense under authority of Sections 621 and 623 of the Foreign Assistance Act of 1961 (22 U.S.C. 2381 and 2383):

(1) The Act of March 26, 1934, 48 Stat. 500, as amended (15 U.S.C. 616a).

(2) Section 3648 of the Revised Statutes, as amended, 60 Stat. 809 (31 U.S.C. 529).

(3) Section 305 of the Federal Property and Administrative Services Act of 1949, 63 Stat. 396, as amended (41 U.S.C. 255).

(4) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5).

(5) Section 3710 of the Revised Statutes (41 U.S.C. 8).

(6) Section 2 of title III of the Act of March 3, 1933, 47 Stat. 1520 (41 U.S.C. 10a).

(7) Section 3735 of the Revised Statutes (41 U.S.C. 13).

(8) Section 304(c) of the Federal Property and Administrative Services Act of 1949, as added by the Act of October 31, 1951, 65 Stat. 700 (41 U.S.C. 254(c)), but only with respect to contracts entered into with foreign governments or agencies thereof for the rendering of services to the United States or an agency thereof within the continental limits of the United States.

(9) Section 901(a) of the Merchant Marine Act, 1936, 49 Stat. 2015 as amended (46 U.S.C. 1241(a)).

SEC. 2. With respect to purchases authorized to be made outside the limits of the United States or the District of Columbia under the Foreign Assistance Act of 1961, as amended [this chapter], and any predecessor legislation:

(1) Section 2276(a) of title 10 of the United States Code.

(2) Section 2313(b) of title 10 of the United States Code.

(3) Section 304(c) of the Federal Property and Administrative Services Act of 1949, as added by the Act of October 31, 1951, 65 Stat. 700 (41 U.S.C. 254(c)).

(4) Section 1301 of the Second War Powers Act, 1942, 56 Stat. 185 (50 U.S.C. App. 643), as extended by the provisions of the Act of June 30, 1953, 67 Stat. 120.

(5) Section 3(b) of the Act of August 28, 1958, 72 Stat. 972 (50 U.S.C. 1433(b)), but only with respect to contracts in which the inclusion of the clause required by Section 3(b), or the compliance with that clause, if included in a contract, is deemed by the executive or military department concerned to be impracticable.

SEC. 3. With respect to cost-type contracts heretofore or hereafter made with non-profit institutions under which no fee is charged or paid, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

SEC. 4. With respect to contracts heretofore or hereafter made, other than those described in Section 3 of this order, amendments and modifications of such contracts may be made with or without consideration and may be utilized to acomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accured under the contract or the amendments or modifications thereof, if the Secretary of State determines in each case that such action is necessary to protect the foreign policy interests of the United States.

SEC. 5. Executive Order No. 10784 of October 1, 1958, and Executive Order No. 10845 of October 12, 1959, are hereby superseded.

LYNDON B. JOHNSON.

REFERENCES TO MUTUAL SECURITY ACT OF 1954

References to the Mutual Security Act of 1954 or any provisions thereof deemed to be references to this chapter or the corresponding provisions of this chapter, if any, see section 604(b) of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

§ 2394. Reports and information

(a) Repealed. Pub. L. 92-226, pt. III, § 304(c)(2), Feb. 7, 1972, 86 Stat. 32

(b) Publicity of information concerning operations and loans from Development Loan Fund

The President shall, in the reports required by subsection (a) of this section, and in response to requests from Members of the Congress or inquiries from the public, make public all information concerning operations under this chapter not deemed by him to be incompatible with the security of the United States. In the case of each loan made from the Development Loan Fund established pursuant to section 2161(a) of this title the President shall make public appropriate information about the loan, including information about the borrower, the nature of the activity being financed, and the economic development objectives being served by the loan.

(c) Requests by General Accounting Office and Congressional Committees for documents and other materials

None of the funds made available pursuant to the provisions of this chapter shall be used to carry out any provision of this chapter in any country or with respect to any project or activity, after the expiration of the thirty-five-day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations or expenditures under this chapter, has delivered to the office of the head of any agency carrying out such provision, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to

the General Accounting Office, or to such committee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden the furnishing thereof pursuant to request and his reason for so doing.

(d) Presentation of programs to and notification of Congressional Committees; comparison of current fiscal year programs with those of previous year; foreign assistance data

When requests are presented to the Congress for appropriations for fiscal year 1969 to carry out programs under this chapter, the programs to be carried out with the funds appropriated for that fiscal year shall also be presented to the Committee on Foreign Relations of the Senate, if requested by the chairman of that committee, and to the Committee on International Relations of the House of Representatives, if requested by the chairman of that committee. At the end of each fiscal year, the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Speaker of the House of Representatives of all actions taken during the fiscal year under this chapter which resulted in furnishing assistance of a kind, for a purpose, or to an area, substantially different from that included in the presentation to the Congress during its consideration of this chapter or any Act appropriating funds pursuant to authorizations contained in this chapter, or which resulted in obligations or reservations greater by 50 per centum or more than the proposed obligations on reservations included in such presentation for the program concerned, and in his notification the President shall state the justification for such changes. There shall also be included in the presentation material submitted to the Congress during its consideration of amendments to this chapter, or of any Act appropriating funds pursuant to authorizations contained in this chapter, a comparison of the current fiscal year programs and activities with those presented to the Congress in the previous year and an explanation of any substantial changes. Any such presentation material shall also include (1) a chart showing on a country-by-country basis the full extent of all United States assistance planned or expected for each such country for the next fiscal year, including economic assistance, military grants (and including for any such grant of any excess defense article, the value of such article expressed in terms of its acquisition cost to the United States), and sales under the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.], (2) details of proposed contributions by the United States to multilateral financial agencies, for the next fiscal year, and (3) a statement of projects, on a country-by-country basis, for which financing was supplied during the last fiscal year through the Export-Import Bank. In addition, the President shall promptly notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Speaker of the House of Representatives of any determination under section 2223, 2360(b), or 2364(b) of this title and of any finding, including his reasons therefor, under section 2311 or 2341(c) of this title.

(e) Recommendations to Congress

The President shall include in his recommendations to the Congress for programs under this chapter for each fiscal year a specific plan for each country receiving bilateral grant economic assistance whereby, wherever practicable, such grant economic assistance shall be progressively reduced and eventually terminated.

(f) Repayment status of loans, contracts of guarantee, sales of defense articles or services, agricultural commodities, and transactions under Export-Import Bank Act of 1945

The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate a comprehensive report showing, as of September 30 and March 31 of each year, the status of each loan and each contract of guarantee or insurance theretofore made under this chapter, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of defense articles or defense services on credit terms, and each contract of guarantee in connection with any such sale, theretofore made under the Foreign Military Sales Act [22 U.S.C. 2751 et seq.], with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each sale of agriculture[1] commodities on credit terms theretofore made under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.], with respect to which there remains outstanding any unpaid obligation; and the status of each transaction in which a loan, contract of guarantee or insurance, or extension of credit (or participation therein) was theretofore made under the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.], with respect to which there remains outstanding any unpaid obligation or potential liability. Such report shall include individually only any loan, contract, sale, extension of credit, or other transaction listed in this subsection in excess of $1,000,000.

(g) Debt-servicing problems; debt relief; net aid flow

The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, not later than January 31 of each year, a comprehensive report, based upon the latest data available, showing—

(1) a summary of the worldwide dimensions of debt-servicing problems among such countries, together with a detailed statement of the debt-servicing problems of each such country;

(2) a summary of all forms of debt relief granted by the United States with respect to such countries, together with a detailed statement of the specific debt relief granted with respect to each such country and the purpose for which it was granted;

(3) a summary of the worldwide effect of the debt relief granted by the United States on the availability of funds, authority, or other resources of the United States to make any such loan, sale, contract of guarantee or

[1] So in original. Probably should be "agricultural".

insurance, or extension of credit, together with a detailed statement of the effect of such debt relief with respect to each such country; and

(4) a summary of the net aid flow from the United States to such countries, taking into consideration the debt relief granted by the United States, together with a detailed analysis of such net aid flow with respect to each such country.

(h) Military assistance and sales to South Vietnam, Thailand, and Laos: information concerning funding levels

The background documents transmitted to Congress in each fiscal year supporting requests for new authorizations and appropriations to carry out the programs under subchapter II of this chapter shall contain information concerning the proposed funding levels for military assistance and sales to South Vietnam, Thailand, and Laos.

(Pub. L. 87-195, pt. III, § 634, Sept. 4, 1961, 75 Stat. 455; Pub. L. 87-565, pt. III, § 302(e), (f), Aug. 1, 1962, 76 Stat. 262; Pub. L. 89-583, pt. III, § 302(c), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90-137, pt. III, § 302(h), Nov. 14, 1967, 81 Stat. 460; Pub. L. 90-629, ch. 4, § 45(a), (b)(4), Oct. 22, 1968, 82 Stat. 1327; Pub. L. 91-175, pt. III, § 305, Dec. 30, 1969, 83 Stat. 821; Pub. L. 92-226, pt. III, § 304(a)(3), (c)(2), Feb. 7, 1972, 86 Stat. 28, 32; Pub. L. 93-189, § 17, Dec. 17, 1973, 87 Stat. 724; Pub. L. 93-559, § 14, Dec. 30, 1974, 88 Stat. 1799; H. Res. 163, Mar. 19, 1975; Pub. L. 94-273, § 6(1), Apr. 21, 1976, 90 Stat. 377; Pub. L. 94-329, title II, § 209(b), June 30, 1976, 90 Stat. 739.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsecs. (d) and (f), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified principally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7, and Tables volume.

Section 2341(c) of this title, referred to in subsec. (d), was repealed by Pub. L. 90-629, § 45(a), Oct. 22, 1968, 82 Stat. 1327.

The Foreign Military Sales Act, referred to in subsec. (f), is Pub. L. 90-629, ch. 1, Oct. 22, 1968, 82 Stat. 1320, as amended, now known as the Arms Export Control Act, on authority of section 201(b) of Pub. L. 94-329, title II, June 30, 1976, 90 Stat. 734, and is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables volume.

The Export-Import Bank Act of 1945, referred to in subsec. (f), is act July 31, 1945, ch. 341, 59 Stat. 526, as amended, which is classified generally to chapter 6A (§ 635 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 635 of Title 12 and Tables volume.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1976—Subsec. (d). Pub. L. 94-329 struck out provisions under which sales pursuant to the Foreign Assistance Act of 1961 or any other Act were included in the enumeration of factors used in developing, for purpose of presentation material, a chart showing the full extent of United States assistance planned or expected for each such country for the next fiscal year.

Subsec. (f). Pub. L. 94-273 substituted "September" for "June" and "March" for "December".

1974—Subsec. (d). Pub. L. 93-559 substituted in item (1) respecting presentation material "economic assistance, military grants (and including for any such grant of any excess defense article, the value of such article expressed in terms of its acquisition cost to the United States), and military sales" for "economic assistance and military grants and sales".

1973—Subsec. (f). Pub. L. 93-189 inserted references to contracts of guarantee or insurance, the status of sales of defense articles or defense services on credit terms, the status of sales of agricultural commodities on credit terms, and the status of loans, contracts of guarantee or insurance, or extensions of credit (or participations therein) made under the Export-Import Bank Act of 1945, and added provisions limiting the reporting requirement of the subsection so as to include only loans, contracts, sales, extensions of credit, or other transactions in excess of $1,000,000.

Subsec. (g). Pub. L. 93-189 added subsec. (g).

1972—Subsec. (a). Pub. L. 92-226, § 304(c)(2), struck out provisions for annual report to Congress concerning operations under this chapter, including information on the progress of the freedom of navigation and nondiscrimination declaration. See annual foreign assistance report provisions of section 2417 of this title.

Subsec. (d). Pub. L. 92-226, § 304(a)(3), substituted in last sentence reference to section "2360(b)" for prior reference to sections "2360, 2364(a)".

1969—Subsec. (a). Pub. L. 91-175 excluded operations reported to Congress pursuant to section 2200a of this title from report required by this section, and struck out of last sentence reference to the operation of the investment guaranty program.

1968—Subsec. (d). Pub. L. 90-629, § 45(b)(4), required the presentation material to include in the chart foreign assistance data under any other Act.

Subsec. (g). Pub. L. 90-629, § 45(a), repealed provisions of subsec. (g) which related to exports of defense articles, contents of reports, and utilization of statistics and information of Government agencies, and is now covered by section 2776(a) of this title.

1967—Subsec. (d). Pub. L. 90-137, § 302(h)(1), inserted introductory provision for presentation of programs to Congressional Committees in connection with requests for appropriations for fiscal year 1969, penultimate provision for inclusion of foreign assistance data (an assistance chart, contribution details, and a statement of projects), and provision for notification as to findings and reasons therefor under section 2311 or 2341(c) of this title.

Subsecs. (g), (h). Pub. L. 90-137, § 302(h)(2), added subsecs. (g) and (h).

1966—Subsec. (f). Pub. L. 89-583 added subsec. (f).

1962—Subsec. (a). Pub. L. 87-565, § 302(e), required reports to include information on progress under the freedom of navigation and nondiscriminatory declaration contained in section 2151 of this title.

Subsec. (d). Pub. L. 87-565, § 302(f), substituted "At the end of each fiscal year" and "fiscal year" for "In January of each year" and "preceding twelve months", respectively, and provided that the presentation material submitted to Congress during its consideration of amendments to this chapter, or of any Act appropriat-

ing funds pursuant to authorizations contained in this chapter, should include a comparison of the current fiscal year programs and activities with those presented to Congress in the previous year and an explanation of any substantial changes.

CHANGE OF NAME

The name of the Committee on Foreign Affairs of the House of Representatives was changed to Committee on International Relations effective Mar. 19, 1975, by House Resolution 163, 94th Congress.

EFFECTIVE DATE OF 1972 AMENDMENT

Repeal of subsec. (a) of this section by section 304(c)(2) of Pub. L. 92-226, applicable with respect to each fiscal year commencing on or after July 1, 1971, see section 304(c)(3) of Pub. L. 92-226, set out as an Effective Date note under section 2417 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-629 effective on July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

SAVING PROVISIONS

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of former subsec. (g) of this section as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90-629, set out as a Saving Provisions note under former section 2341 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (b) of this section delegated to the Secretary of Defense, see section 201(b) of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

CONSULTATION WITH SECRETARY OF STATE

Secretary of Defense directed to consult with Secretary of State in carrying out functions of President, under subsec. (b) of this section, delegated to him, see section 202 of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2384 of this title.

§ 2394a. Extortion and illegal payments to officials of foreign countries receiving international security assistance

Within 60 days after receiving information which substantiates that officials of a foreign country receiving international security assistance have (1) received illegal or otherwise improper payments from a United States corporation in return for a contract to purchase defense articles or services from such corporation, or (2) extorted, or attempted to extort, money or other things of value in return for actions by officials of that country that permit a United States citizen or corporation to conduct business in that country, the President shall submit to Congress a report outlining the circumstances of such payment or extortion. The report shall contain a recommendation from the President as to whether the United States should continue a security assistance program for that country.

(Pub. L. 94-329, title VI, § 607, June 30, 1976, 90 Stat. 768.)

CODIFICATION

Section was not enacted as part of Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961, which comprises this chapter.

§ 2395. General authorities

(a) Manner of furnishing assistance; emphasis on loans

Except as otherwise specifically provided in this chapter, assistance under this chapter may be furnished on a grant basis or on such terms, including cash, credit, or other terms of repayment (including repayment in foreign currencies or by transfer to the United States Government of commodities) as may be determined to be best suited to the achievement of the purposes of this chapter, and shall emphasize loans rather than grants wherever possible.

(b) Authority of the President

The President may make loans, advances, and grants to, make and perform agreements and contracts with, or enter into other transactions with, any individual, corporation, or other body of persons, friendly government or government agency, whether within or without the United States, and international organizations in furtherance of the purposes and within the limitations of this chapter.

(c) Utilization of services and facilities of voluntary, nonprofit organizations

It is the sense of Congress that the President, in furthering the purposes of this chapter, shall use to the maximum extent practicable the services and facilities of voluntary, nonprofit organizations registered with, and approved by, the Advisory Committee on Voluntary Foreign Aid.

(d) Acceptance of gifts, devises, bequests, grants, etc.

The President may accept and use in furtherance of the purposes of this chapter, money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purpose.

(e) Health and accident insurance for foreign participants and foreign employees

(1) Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign participants in any program of furnishing technical information and assistance administered by such agency while such participants are absent from their homes for the purpose of participation in such program.

(2) Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign employees of that agency while those employees are absent from their place of employment abroad for purposes of training or other official duties.

(f) Admission of alien participants

Alien participants in any program of furnishing technical information and assistance under this chapter may be admitted to the United States if otherwise qualified as nonimmigrants under section 1101(a)(15) of title 8, for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General.

(g) Powers and authorities of the President with respect to loans

In making loans under this chapter, the President—

(1) may issue letters of credit and letters of commitment;

(2) may collect or compromise any obligations assigned to, or held by, and any legal or equitable rights accuring to him, and, as he may determine, refer any such obligations or rights to the Attorney General for suit or collection;

(3) may acquire and dispose of, upon such terms and conditions as he may determine, any property, including any instrument evidencing indebtedness or ownership (provided that equity securities may not be directly purchased although such securities may be acquired by other means such as by exercise of conversion rights or through enforcement of liens or pledges or otherwise to satisfy a previously incurred indebtedness), and guarantee payment against any such instrument;

(4) may determine the character of, and necessity for, obligations and expenditures of funds used in making such loans and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to corporations of the United States Government; and

(5) shall cause to be maintained an integral set of accounts which shall be audited by the General Accounting Office in accordance with principles and procedures applicable to commercial corporate transactions as provided by the Government Corporation Control Act, as amended (31 U.S.C. 841 et seq.).

(h) Term of contracts and agreements

A contract or agreement which entails commitments for the expenditure of funds made available under subparts II and V of part II of subchapter I (except development loans) and under subchapter II of this chapter, may, subject to any future action of the Congress, extend at any time for not more than five years.

(i) Settlement and arbitration of claims arising under investment guaranty operations

Claims arising as a result of investment guaranty operations may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the President may direct. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

(j) Financial transactions with foreign governments; exemption

The provisions of section 955 of title 18 shall not apply to prevent any person, including any individual, partnership, corporation, or association, from acting for, or participating in, any operation or transaction arising under this chapter, or from acquiring any obligation issued in connection with any operation or transaction arising under this chapter.

(k) Cost-type contracts with educational institutions; payment of reimbursable indirect costs

Any cost-type contract or agreement (including grants) entered into with a university, college, or other educational institution for the purpose of carrying out programs authorized by subchapter I of this chapter may provide for the payment of the reimbursable indirect costs of said university, college, or other educational institution on the basis of predetermined fixed-percentage rates applied to the total, or an element thereof, of the reimbursable direct costs incurred.

(Pub. L. 87-195, pt. III, § 635, Sept. 4, 1961, 75 Stat. 456; Pub. L. 87-565, pt. III, § 302(g), Aug. 1, 1962, 76 Stat. 262; Pub. L. 88-205, pt. III, § 302(e), Dec. 16, 1963, 77 Stat. 389; Pub. L. 89-171, pt. III, § 302(g), Sept. 6, 1965, 79 Stat. 660; Pub. L. 89-583, pt. III, § 302(d), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90-137, pt. III, § 302(i), Nov. 14, 1967, 81 Stat. 461.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Government Corporation Control Act, as amended, referred to in subsec. (g), is act Dec. 6, 1945, ch. 557, 59 Stat. 597, as amended, which is classified generally to chapter 14 (§ 841 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see Short Title note set out under section 841 of Title 31 and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING AND TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to Part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1967—Subsec. (e). Pub. L. 90-137, § 302(i)(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (g). Pub. L. 90-137, § 302(i)(2), deleted from the introductory phrase "and sales" following "loans".

1966—Subsec. (h). Pub. L. 89-583 excluded development loans under the Alliance for Progress from the provision that contracts or agreements which entail commitments for the expenditure of funds may not extend for more than five years.

1965—Subsec. (g). Pub. L. 89-171 inserted "and sales" in the introductory clause.

1963—Subsec. (k). Pub. L. 88-205 added subsec. (k).

1962—Subsec. (h). Pub. L. 87-565 included sections 2211 to 2213 of this title within the limitation on the duration of contracts and agreements.

EFFECTIVE DATE OF 1967 AMENDMENT

Section 302(i)(2) of Pub. L. 90-137 provided in part that amendment of subsec. (g) by such section 302(i)(2) shall take effect on June 30, 1968.

DELEGATION OF FUNCTIONS

Functions of the President under subsecs. (b), (d) of this section delegated to the Secretary of Defense, see section 201(b) of Ex. Ord. No. 10973, Nov. 3, 1961, 26

F.R. 10469, set out as a note under section 2381 of this title.

Functions of the President under subsec. (d) of this section delegated to the Overseas Private Investment Corporation, see section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title.

INFORMATION TO CONGRESSIONAL COMMITTEES ON NEGOTIATIONS REGARDING DEBTS OWED UNITED STATES BY FOREIGN GOVERNMENTS; TRANSMITTAL TO CONGRESS OF DEBT MODIFICATION PROPOSALS

Pub. L. 93-333, § 4, July 8, 1974, 88 Stat. 290, provided that: "The Secretary of State shall keep the appropriate committees of Congress fully and currently informed of the ongoing status of any negotiations with any foreign government regarding the cancellation, renegotiation, rescheduling, or settlement of any debt owed to the United States by any such foreign government under the Foreign Assistance Act of 1961 [this chapter]. The Secretary of State shall transmit to the Speaker of the House of Representatives, and to the chairman of the appropriate Senate committee, the text of any international agreement proposing a modification in the terms of such debt no less than thirty days prior to its entry into force, together with a detailed explanation of the interest of the United States in such modification."

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2396. Availability of funds

(a) General expenditures

Appropriations for the purposes of or pursuant to this chapter (except for subchapter II of this chapter), allocations to any agency of the United States Government, from other appropriations, for functions directly related to the purposes of this chapter, and funds made available for other purposes to the agency primarily responsible for administrating subchapter I of this chapter, shall be available for:

Rentals, repairs, alterations, and improvements of buildings in the United States

(1) rent of buildings and space in buildings in the United States, and for repair, alteration, and improvement of such leased properties;

Attendance at meetings

(2) expenses of attendance at meetings concerned with the purposes of such appropriations or of this chapter, including (notwithstanding the provisions of section 673 of title 31) expenses in connection with meetings of persons whose employment is authorized by section 2386 of this title;

Personal services abroad

(3) contracting with individuals for personal services abroad: *Provided,* That such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Civil Service Commission;

Purchase, maintenance, operation, and hire of aircraft

(4) purchase, maintenance, operation, and hire of aircraft: *Provided,* That aircraft for administrative purposes may be purchased only as specifically provided for in an appropriation or other Act;

Purchase and hire of passenger motor vehicles

(5) purchase and hire of passenger motor vehicles: *Provided,* That, except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes outside the United States may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles, and the cost, including exchange allowance, of each such replacement shall not exceed $3,500 in the case of an automobile for the chief of any special mission or staff outside the United States established under section 2391 of this title: *Provided further,* That passenger motor vehicles, other than one for the official use (without regard to the limitations contained in section 638a(c)(2) of title 31 and section 638c of title 31) of the head of the agency primarily responsible for administering subchapter I of this chapter, may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act;

Entertainment

(6) entertainment (not to exceed $25,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act);

Exchange of funds

(7) exchange of funds without regard to section 543 of title 31 and loss by exchange;

Expenses of a confidential character

(8) expenditures (not to exceed $50,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act) of a confidential character other than entertainment: *Provided,* That a certificate of the amount of each such expenditure, the nature of which it is considered inadvisable to specify, shall be made by the head of the agency primarily responsible for administering subchapter I of this chapter or such person as he may designate, and every such certificate shall be deemed a sufficient voucher for the amount therein specified;

Insurance of motor vehicles or aircraft

(9) insurance of official motor vehicles or aircraft acquired for use in foreign countries;

Rentals outside the United States; maintenance, furnishings, repairs, improvements, and alterations; fuel, water, and utilities

(10) rent or lease outside the United States for not to exceed ten years of offices, buildings, grounds, and quarters, including living quarters to house personnel, and payments

therefor in advance; maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for use to the United States Government outside the United States; and costs of fuel, water, and utilities for such properties;

Transportation of deceased individuals

(11) expenses of preparing and transporting to their former homes, or, with respect to foreign participants engaged in any program under subchapter I of this chapter, to their former homes or places of burial, and of care and disposition of, the remains of persons or members of the families of persons who may die while such persons are away from their homes participating in activities carried out with funds covered by this subsection;

Uniforms

(12) purchase of uniforms;

Per diem

(13) payment of per diem in lieu of subsistence to foreign participants engaged in any program under subchapter I of this chapter while such participants are away from their homes in countries other than the United States, at rates not in excess of those prescribed by the standardized Government travel regulations, notwithstanding any other provision of law;

Utilization in accordance with authorities of Foreign Service Act of 1946

(14) use in accordance with authorities of the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), not otherwise provided for;

Ice and drinking water

(15) ice and drinking water for use outside the United States;

Services of officers of Environmental Science Services Administration

(16) Services of commissioned officers of the Environmental Science Services Administration and for the purposes of providing such services the Environmental Science Services Administration may appoint not to exceed twenty commissioned officers in addition to those otherwise authorized.

Travel of personnel and dependents

(17) expenses in connection with travel of personnel outside the United States, including travel expenses of dependents (including expenses during necessary stopovers while engaged in such travel), and transportation of personal effects, household goods, and automobiles of such personnel when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year, and cost of transporting automobiles to and from a place of storage, and the cost of storing automobiles of such personnel when it is in the public interest or more economical to authorize storage.

(b) Compensation, allowances, and travel of personnel; printing and binding; expenditures outside United States

Funds made available for the purposes of this chapter may be used for compensation, allowances, and travel of personnel including Foreign Service personnel whose services are utilized primarily for the purposes of this chapter, for printing and binding without regard to the provisions of any other law, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of funds of the United States Government as may be necessary to accomplish the purposes of this chapter.

(c) Construction of living quarters, office space, and supporting facilities

Notwithstanding any other law, not to exceed $3,000,000 of the funds available for assistance under this chapter (other than subpart I of part II of subchapter I of this chapter) may be used in any fiscal year (in addition to funds available for such use under other authorities in this chapter) to construct or otherwise acquire outside the United States (1) essential living quarters, office space, and necessary supporting facilities for use of personnel carrying out activities authorized by this chapter, and (2) schools (including dormitories and boarding facilities) and hospitals for use of personnel carrying out activities authorized by this chapter, United States Government personnel, and their dependents. In addition, funds made available for assistance under this chapter (other than subpart I of part II of subchapter I of this chapter) may be used, notwithstanding any other law, to equip, staff, operate, and maintain such schools and hospitals.

(d) Education of dependents

Not to exceed $2,500,000 of the funds available for assistance under this chapter (other than subpart I of part II of subchapter I of this chapter) may be used in any fiscal year to provide assistance, on such terms and conditions as are deemed appropriate, to schools established, or to be established, outside the United States whenever it is determined that such action would be more economical or would best serve the interests of the United States in providing for the education of dependents of personnel carrying out activities authorized by this chapter and dependents of United States Government personnel, in lieu of acquisition or construction pursuant to subsection (c) of this section.

(e) Training costs

Funds available under this chapter (other than subpart I of part II of subchapter I of this chapter) may be used to pay costs of training United States citizen personnel employed or assigned pursuant to section 2385(d)(2) of this title (through interchange or otherwise) at any State or local unit of government, public or private nonprofit institution, trade, labor, agricultural, or scientific association or organization,

or commercial firm; and the provisions of sections 1881 to 1888 of title 7 may be used to carry out the foregoing authority notwithstanding that interchange of personnel may not be involved or that the training may not take place at the institutions specified in section 1881 to 1888 of title 7. Such training shall not be considered employment or holding of office under section 5533 of title 5, and any payments or contributions in connection therewith may, as deemed appropriate by the head of the agency of the United States Government authorizing such training, be made by private or public sources and be accepted by any trainee, or may be accepted by and credited to the current applicable appropriation of such agency: *Provided, however,* That any such payments to any employee in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

(f) Assistance in carrying out functions under certain laws

Funds made available under section 2172 of this title may be used for expenses (other than those provided for under section 2397(a) of this title) to assist in carrying out functions under subpart I of part II of subchapter I of this chapter, under the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.], and under the Latin American Development Act, as amended, performed by the agency primarily responsible for administering subchapter I of this chapter or by the Corporation established under subpart IV of part II of subchapter I of this chapter with respect to loan activities which it carries out under the provisions of the Agricultural Trade Development and Assistance Act of 1954, as amended.

(g) Administrative, extraordinary, and operating expenses; reimbursement of military officers; training of foreign military personnel

Funds made available for the purposes of subchapter II of this chapter shall be available for—

(1) administrative, extraordinary (not to exceed $300,000 in any fiscal year), and operating expenses incurred in furnishing defense articles, military education and training, and defense services on a grant or sales basis by the agency primary responsible for administering subchapter II of this chapter;

(2) reimbursement of actual expenses of military officers detailed or assigned as tour directors in connection with orientation visits of foreign military and related civilian personnel, in accordance with provisions of section 5702(c) of title 5, applicable to civilian officers and employees; and

(3) maintenance, repair, alteration and furnishing of United States-owned facilities in the District of Columbia or elsewhere for the training of foreign military and related civilian personnel, without regard to the provisions of section 12 of title 41 or other provision of law requiring a specific authorization or specific appropriation for such public contracts.

(h) Recipient countries to contribute local currencies; utilization of foreign currencies owned by United States

In carrying out programs under this chapter, the President shall take all appropriate steps to assure that, to the maximum extent possible, (1) countries receiving assistance under this chapter contribute local currencies to meet the cost of contractual and other services rendered in conjunction with such programs, and (2) foreign currencies owned by the United States are utilized to meet the costs of such contractual and other services.

(i) Financing motor vehicle transactions; waiver of domestic manufacturing restriction

Notwithstanding section 2399a of this title or any other provision of this chapter, none of the funds made available to carry out this chapter shall be used to finance the purchase, sale, long-term lease, exchange, or guaranty of a sale of motor vehicles unless such motor vehicles are manufactured in the United States: *Provided,* That where special circumstances exist the President is authorized to waive the provisions of this section in order to carry out the purposes of this chapter.

(Pub. L. 87-195, pt. III, § 636, Sept. 4, 1961, 75 Stat. 457; Pub. L. 88-205, pt. III, § 302(f), Dec. 16, 1963, 77 Stat. 389; Pub. L. 89-171, pt. III, § 302(h), Sept. 6, 1965, 79 Stat. 660; Pub. L. 90-137, pt. III, § 302(j)-(o), Nov. 14, 1967, 81 Stat. 461, 462; Pub. L. 90-554, pt. III, § 302(d), Oct. 8, 1968, 82 Stat. 965; Pub. L. 91-175, pt. III, § 306, Dec. 30, 1969, 83 Stat. 821; Pub. L. 94-329, title I, § 106(b)(5), June 30, 1976, 90 Stat. 733.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Foreign Service Act of 1946, as amended, referred to in par. (a)(14), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

Sections 1881 to 1888 of title 7, referred to in subsec. (e), which related to the interchange of Department of Agriculture and State employees, were repealed by Pub. L. 91-648, title IV, § 403, Jan. 5, 1971, 84 Stat. 1925. Subject matter is now covered by section 3371 et seq. of Title 5, Government Organization and Employees.

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsec. (f), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified principally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7, and Tables volume.

The Latin American Development Act, as amended, referred to in subsec. (f), is Pub. L. 86-735, Sept. 8, 1960, 74 Stat. 869, as amended, which enacted sections 1942 to 1945 of this title and amended section 1753a of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1942 of this title and Tables volume.

Section 2399a of this title, referred to in subsec. (i), was repealed by Pub. L. 90-629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327, and is now covered by section 2753(a)(1) of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING AND TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1976—Subsec. (g)(1). Pub. L. 94-329, § 106(b)(5)(A), added, "military education and training" following "articles".

Subsec. (g)(2). Pub. L. 94-329, § 106(b)(5)(B), substituted "and related civilian personnel" for "personnel".

Subsec. (g)(3). Pub. L. 94-329, § 106(b)(5)(B), substituted "and related civilian personnel" for "personnel".

1969—Subsec. (f). Pub. L. 91-175 added Corporation established under sections 2191 to 2200a of this title to the enumeration of agencies administering programs.

1968—Subsec. (g)(1). Pub. L. 90-554 required that when funds are made available for operating expenses, such expenses be incurred in furnishing defense articles and defense services on a grant or sales basis by the agency primarily responsible for administering subchapter II of this chapter.

1967—Subsec. (a)(5). Pub. L. 90-137, § 302(j), substituted "section 638a(c)(2) and section 638c of title 31" for "section 78a(c)(2) and section 78a-1 of title 5".

Subsec. (a)(16). Pub. L. 90-137, § 302(k), substituted "Environmental Science Services Administration" for "Coast and Geodetic Survey" in two instances.

Subsec. (d). Pub. L. 90-137, § 302(*l*), increased limitation on funds available for education of dependents from $1,500,000 to $2,500,000.

Subsec. (e). Pub. L. 90-137, § 302(m), substituted reference to section 5533 of title 5 for section 301 of the Dual Compensation Act (5 U.S.C. 3105).

Subsec. (g)(2). Pub. L. 90-137, § 302(n), substituted reference to section 5702(c) of title 5 for former section 836 of title 5.

Subsec. (i). Pub. L. 90-137, § 302(o), added subsec. (i).

1965—Subsec. (e). Pub. L. 89-171, § 302(h)(1), substituted "section 301 of the Dual Compensation Act (5 U.S.C. 3105)" for "section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62)".

Subsec. (f). Pub. L. 89-171, § 302(h)(2), substituted "Latin American Development Act, as amended" for "Act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes".

1963—Subsec. (h). Pub. L. 88-205 added subsec. (h).

CHANGE OF NAME

The Commissioned Officer Corps of the Environmental Science Services Administration was changed to the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration, see 1970 Reorg Plan No. 4, § 4(d), eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2360 of this title.

§ 2397. Administrative expenses

(a) There is authorized to be appropriated to the President for each of the fiscal years 1974 and 1975, $45,000,000 for necessary administrative expenses of the agency primarily responsible for administering subchapter I of this chapter. The agency administering subchapter I of this chapter shall reduce the number of personnel, particularly administrative personnel, employed by it in order to conduct operations with the reduced amount of funds authorized for fiscal year 1969, except that such agency shall not take any action to limit or reduce auditing or training activities of such agency.

(b) There is authorized to be appropriated such amounts as may be necessary from time to time for administrative expenses which are incurred for functions of the Department of State under this chapter and unrepealed provisions of the Mutual Security Act of 1954, as amended, or for normal functions of the Department of State which relate to such functions.

(Pub. L. 87-195, pt. III, § 637, Sept. 4, 1961, 75 Stat. 460; Pub. L. 87-565, pt. III, § 302(h), Aug. 1, 1962, 76 Stat. 262; Pub. L. 88-205, pt. III, § 302(g), Dec. 16, 1963, 77 Stat. 389; Pub. L. 88-633, pt. III, § 302(c), Oct. 7, 1964, 78 Stat. 1014; Pub. L. 89-171, pt. III, § 302(i), Sept. 6, 1965, 79 Stat. 661; Pub. L. 89-583, pt. III, § 302(e), Sept. 19, 1966, 80 Stat. 808; Pub. L. 90-137, pt. III, § 302(p), Nov. 14, 1967, 81 Stat. 462; Pub. L. 90-554, pt. III, § 302(e), Oct. 8, 1968, 82 Stat. 965; Pub. L. 91-175, pt. III. § 307, Dec. 30, 1969, 83 Stat. 821; Pub. L. 92-226, pt. III, § 303, Feb. 7, 1972, 86 Stat. 28; Pub. L. 93-189, § 18, Dec. 17, 1973, 87 Stat. 724.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Mutual Security Act of 1954, referred to in text, is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, 71 Stat. 355; June 30, 1958, Pub. L. 85-477, ch. 1, §§ 101 to 103, ch. II, §§ 201 to 205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86-108, § 2, ch. 1, § 101, ch. II, §§ 201 to 205(a) to (l), (k) to (n), ch. III, § 301, ch. IV, § 401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86-472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85-141, §§ 2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86-108, ch. II, §§ 205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86-472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94-329, title II, § 212(b)(1), June 30, 1976, 90 Stat. 745, except for sections 1754, 1783, 1796, 1853, 1922, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1973—Subsec. (a). Pub. L. 93-189 substituted "for each of the fiscal years 1974 and 1975, $45,000,000",

for "for the fiscal year 1972, $50,000,000, and for the fiscal year 1973, $50,000,000".

1972—Subsec. (a). Pub. L. 92-226 authorized appropriations of $50,000,000 for fiscal years 1972 and 1973, and struck out appropriation authorization of $51,125,000 for fiscal years 1970 and 1971.

1969—Subsec. (a). Pub. L. 91-175 substituted "fiscal year 1970, $51,125,000, and for the fiscal year 1971, $51,125,000" for "fiscal year 1969, $53,000,000".

1968—Subsec. (a). Pub. L. 90-554 substituted "1969" and "$53,000,000" for "1968" and "$55,814,000", respectively, and required a reduction in number of personnel, particularly administrative personnel, to keep within reduced funds for fiscal year 1969, excepting therefrom auditing or training activities.

1967—Subsec. (a). Pub. L. 90-137 substituted "1968" and "$55,814,000" for "1967" and "$55,813,500", respectively.

1966—Subsec. (a). Pub. L. 89-583 substituted "1967" and "$55,813,500" for "1966" and "54,240,000," respectively.

1965—Subsec. (a). Pub. L. 89-171 substituted "1966" and "$54,200,000" for "1965" and "$52,500,000", respectively.

1964—Subsec. (a). Pub. L. 88-633 substituted "1965" and "$52,500,000" for "1964" and "$54,000,000", respectively.

1963—Subsec. (a). Pub. L. 88-205 substituted "1964" and "$54,000,000" for "1963" and "$53,000,000", respectively.

1962—Subsec. (a). Pub. L. 87-565, § 302(h)(1), substituted "1963" and "$53,000,000" for "1962" and "$50,000,000", respectively.

Subsec. (b). Pub. L. 87-565, § 302(h)(2), deleted "to the Secretary of State" following "authorized to be appropriated."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2360, 2392, 2396, 2413 of this title.

§ 2398. Assistance to countries pursuant to other statutes

No provision of this chapter shall be construed to prohibit assistance to any country pursuant to the Peace Corps Act, as amended [22 U.S.C. 2501 et seq.]; the Mutual Educational and Cultural Exchange Act of 1961, as amended [22 U.S.C. 2451 et seq.]; or the Export-Import Bank Act of 1945, as amended [12 U.S.C. 635 et seq.].

(Pub. L. 87-195, pt. III, § 638, as added Pub. L. 88-205, pt. III, § 302(h), Dec. 16, 1963, 77 Stat. 389, and amended Pub. L. 89-171, pt. III, § 302(j), Sept. 6, 1965, 79 Stat. 661.)

REFERENCES IN TEXT

The Peace Corps Act, as amended, referred to in the text, is Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, as amended, which is classified principally to chapter 34 (§ 2501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

The Mutual Educational and Cultural Exchange Act of 1961, as amended, referred to in text, is Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to chapter 33 (§ 2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables volume.

The Export-Import Bank Act of 1945, as amended, referred to in the text, is act July 31, 1945, ch. 341, 59 Stat. 526, as amended, which is classified generally to chapter 6A (§ 635 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 635 of Title 12 and Tables volume.

CODIFICATION

Section 19 of Pub. L. 93-189, Dec. 17, 1973, 87 Stat. 725, which amended the caption of section 638 of Pub. L. 87-195, by substituting "Exclusions" for "Peace Corps Assistance", has not been executed to this section.

AMENDMENTS

1965—Pub. L. 89-171 omitted provisions which prohibited any provision of this chapter from being construed to prohibit famine or disaster relief, including such relief through voluntary agencies, under sections 1721 to 1724 of title 7.

§ 2399. Repealed. Pub. L. 94-161, title I, § 101(6), Dec. 20, 1975, 89 Stat. 850

Section, Pub. L. 87-195, pt. III, § 639, as added Pub. L. 89-171, pt. III, § 302(k), Sept. 6, 1965, 79 Stat. 661, and amended Pub. L. 93-559, § 28(a), Dec. 30, 1974, 88 Stat. 1803, provided for famine or disaster relief, authorized appropriation of $40,000,000 for fiscal year 1975, and required Presidential reports to Committees of the Senate and Speaker of the House, and is now covered by sections 2292 and 2292a of this title.

§§ 2399-1a, 2399-1b. Transferred

CODIFICATION

Section 2399-1a, Pub. L. 87-195, pt. 1, § 494A, formerly pt. III, § 639A, as added Pub. L. 93-189, § 20, Dec. 17, 1973, 87 Stat. 725, amended Pub. L. 93-333, § 3, July 8, 1974, 88 Stat. 290, and renumbered Pub. L. 94-161, title I, § 101(5), Dec. 20, 1975, 89 Stat. 850, which related to famine and disaster relief to drought stricken African nations, was transferred to section 2292d of this title.

Section 2399-1b, Pub. L. 87-195, pt. I, § 4948, formerly pt. III, § 639B, as added Pub. L. 93-189, § 20, D.c. 13, 1973, 87 Stat. 725, and renumbered and amended Pub. L. 94-161, title I, § 101(5), (7), Dec. 20, 1975, 89 Stat. 850, which related to an African Development program, was transferred to section 2292e of this title.

§ 2399a. Repealed. Pub. L. 90-629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327

Section, Pub. L. 87-195, pt. III, § 640, as added Pub. L. 89-171, pt. III, § 302(k), Sept. 6, 1965, 79 Stat. 661, and amended Pub. L. 90-137, pt. III, § 302(q), Nov. 14, 1967, 81 Stat. 462, related to military sales, and is now covered by section 2753(a)(1) of this title.

EFFECTIVE DATE OF REPEAL

Section repealed effective on July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

SAVING PROVISIONS

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of former section 2399a of this title as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90-629, set out as a Saving Provisions note under former sections 2341 to 2343 of this title.

§ 2399b. False claims and ineligible commodities

(a) Penalties; costs

Any person who makes or causes to be made or presents or causes to be presented to any bank or other financial institution or to any officer, agent, or employee of any agency of the United States Government a claim for payment from funds made available under this chapter for the purposes of furnishing assistance and who knows the claim to be false, fraudulent, or

fictitious or to cover a commodity or commodity-related service determined by the President to be ineligible for payment from funds made available under this chapter, or who uses to support his claim any certification, statement, or entry on any contract, abstract, bill of lading, Government or commercial invoice, or Government form, which he knows, or in the exercise of prudent business management should know, to contain false, fraudulent, or fictitious information, or who uses or engages in any other fraudulent trick, scheme, or device for the purpose of securing or obtaining, or aiding to secure or obtain, for any person any benefit or payment from funds so made available under this chapter in connection with the negotiation, procurement, award, or performance of a contract financed with funds so made available under this chapter, and any person who enters into an agreement, combination, or conspiracy so to do, (1) shall pay to the United States an amount equal to 25 per centum of any amount thereby sought to be wrongfully secured or obtained but not actually received, and (2) shall forfeit and refund any payment, compensation, loan, commission, or advance received as a result thereof, and (3) shall, in addition, pay to the United States for each such act (A) the sum of $2,000 and double the amount of any damage which the United States may have sustained by reason thereof, or (B) an amount equal to 50 per centum of any such payment, compensation, loan, commission, or advance so received, whichever is the greater, together with the costs of suit.

(b) Recovery of penalties; procedure; finality of withholding of funds; recovery of withheld funds; limitation period

In order to secure recovery under this section, the President may, as he deems appropriate, (1) institute suit in the United States district court for any judicial district in which the person alleged to have performed or participated in an act described by this section may reside or may be found, and (2) upon posting by registered mail to such person a notice of claim describing the basis therefor and identifying the funds to be withheld, withhold from funds owed by any agency of the United States Government to such person an amount equal to the refund, damages, liquidated damages, and exemplary damages claimed by the United States under this section. Any such withholding of funds from any person shall constitute a final determination of the rights and liabilities of such person under this section with respect to the amount so withheld, unless within one year of receiving the notice of claim such person brings suit for recovery, which is hereby authorized, against the United States in any United States district court.

(c) "Person" defined

For purposes of this section, the term "person" includes any individual, corporation, partnership, association, or other legal entity.

(Pub. L. 87-195, pt. III, § 640A, as added Pub. L. 90-554, pt. III, § 302(f), Oct. 8, 1968, 82 Stat. 965.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

§ 2399c. Coordination of policies and programs

(a) Development Coordination Committee established

The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the head of the agency primarily responsible for administering subchapter I of this chapter, Chairman, and representatives of the Departments of State, Treasury, Commerce, Agriculture, and Labor, the Executive Office of the President, and other executive departments and agencies, as the President shall designate.

(b) Procedures to assure coordination

The President shall prescribe appropriate procedures to assure coordination among—

(1) the various departments and agencies of the United States Government having representatives in diplomatic missions abroad; and

(2) representatives of the United States Government in each country, under the direction of the Chief of the United States Diplomatic Mission.

The President shall keep the Congress advised of his actions under this subsection.

(c) Guidance of Secretary of State

Programs authorized by this chapter shall be undertaken with the foreign policy guidance of the Secretary of State.

(d) Presidential reports to Congress

The President shall report to the Congress during the first quarter of each calendar year on United States actions affecting the development of the low-income countries and on the impact of those undertakings upon the national income, employment, wages, and working conditions in the United States.

(Pub. L. 87-195, pt. III, § 640B, as added Pub. L. 93-189, § 21, Dec. 17, 1973, 87 Stat. 725.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2341 to 2343) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

DEVELOPMENT COORDINATION COMMITTEE

For provisions relating to the establishment of the Development Coordination Committee, see section 306

of Ex. Ord. No. 10973, Nov. 6, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2399d. Shipping differential

For the purpose of facilitating implementation of section 1241(b) of title 46, funds made available for the purposes of part I of subchapter I of this chapter or for purposes of subchapter IV of this chapter may be used to make grants to recipients to pay all or any portion of such differential as is determined by the Secretary of Commerce to exist between United States and foreign-flag vessel charter or freight rates. Grants made under this section shall be paid with United States-owned foreign currencies wherever feasible.

(Pub. L. 87-195, pt. III, § 640C, as added Pub. L. 93-189, § 21, Dec. 17, 1973, 87 Stat. 726.)

PART III—MISCELLANEOUS PROVISIONS

§ 2401. Effective date; identification of programs

This chapter shall take effect on September 4, 1961. Programs under this chapter shall be identified appropriately overseas as "American Aid".

(Pub. L. 87-195, pt. III, § 641, Sept. 4, 1961, 75 Stat. 460.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

§ 2402. Saving provisions

(a) Except as may be expressly provided to the contrary in this chapter, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 642(a) and the Foreign Assistance Act of 1969 shall continue in full force and effect until modified by appropriate authority.

(b) Wherever provisions of this chapter establish conditions which must be complied with before use may be made of authority contained in, or funds authorized by, this chapter, compliance with, or satisfaction of, substantially similar conditions under Acts listed in section 642(a) and the Foreign Assistance Act of 1969 or Acts repealed by those Acts shall be deemed to constitute compliance with the conditions established by this chapter.

(c) Funds made available pursuant to provisions of law repealed by section 642(a)(2) and the Foreign Assistance Act of 1969 shall, unless otherwise authorized or provided by law, remain available for their original purposes in accordance with the provisions of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

(Pub. L. 87-195, pt. III, § 643, Sept. 4, 1961, 75 Stat. 460; Pub. L. 87-565, pt. III, 303(a), Aug. 1, 1962, 76 Stat. 263; Pub. L. 91-175, pt. III, § 308, Dec. 30, 1969, 83 Stat. 821.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

Section 642(a), referred to in the text, means section 642(a) of Pub. L. 87-195, which is set out as a note under section 2151 of this title.

The Foreign Assistance Act of 1969, referred to in subsecs. (a) to (c), is Pub. L. 91-175, Dec. 30, 1969, 83 Stat. 805. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1969—Subsec. (a). Pub. L. 91-175 added "and Foreign Assistance Act of 1969" after "section 642(a)," and "section 642(a)(2)".

1962—Subsec. (d). Pub. L. 87-565 repealed subsec. (d) which provided that nothing in the chapter was to affect the Peace Corps pending enactment of the Peace Corps Act or adjournment of the first session of the 87th Congress, whichever was earlier.

§ 2403. Definitions

As used in this chapter—

(a) "Agency of the United States Government" includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government.

(b) "Armed Forces" of the United States means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(c) "Commodity" includes any material, article, supply, goods, or equipment used for the purposes of furnishing nonmilitary assistance.

(d) "Defense article" includes—

(1) any weapon, weapons system, munition, aircraft, vessel, boat or other implement of war;

(2) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;

(3) any machinery, facility, tool, material supply, or other item necessary for the manufacture, production, processing repair, servicing, storage, construction, transportation, operation, or use of any article listed in this subsection; or

(4) any component or part of any article listed in this subsection; but

shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), source material, by-product material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.

(e) "Defense information" includes any document, writing, sketch, photograph, plan, model,

specification, design, prototype, or other recorded or oral information relating to any defense article or defense service, but shall not include Restricted Data as defined by the Atomic Energy Act of 1954, as amended [42 U.S.C. 2011 et seq.], and data removed from the Restricted Data category under section 142d of that Act [42 U.S.C. 2162(d)].

(f) "Defense service" includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but does not include military educational and training activities under part V of subchapter II of this chapter.

(g) "Excess defense articles" means the quantity of defense articles owned by the United States Government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which is in excess of the Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this chapter.

(h) "Function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(i) Repealed. Pub. L. 93–189, § 22(2), Dec. 17, 1973, 87 Stat. 726.

(j) "Officer or employee" means civilian personnel and members of the Armed Forces of the United States Government.

(k) "Services" include any service, repair, training of personnel, or technical or other assistance or information used for the purposes of furnishing nonmilitary assistance.

(*l*) "Surplus agricultural commodity" means any agricultural commodity or product thereof, class, kind, type, or other specification thereof, produced in the United States, either publicly or privately owned, which is in excess of domestic requirements, adequate carryover, and anticipated exports for United States dollars, as determined by the Secretary of Agriculture.

(m) "Value" means—

(1) with respect to an excess defense article, the actual value of the article plus the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying the article, except that for purposes of section 2392(d) of this title such actual value shall not be taken into account;

(2) with respect to a nonexcess defense article delivered from inventory to foreign countries or international organizations under this chapter, the acquisition cost to the United States Government, adjusted as appropriate for condition and market value;

(3) with respect to a nonexcess defense article delivered from new procurement to foreign countries or international organizations under this chapter, the contract or production costs of such article; and

(4) with respect to a defense service, the cost to the United States Government of such service.

Military assistance programs and orders shall be based upon the best estimates of stock status and prevailing prices; reimbursements to the supplying agency shall be made on the basis of the stock status and prices determined pursuant to this section. Notwithstanding the foregoing provisions of this section, the Secretary of Defense may prescribe regulations authorizing reimbursements to the supplying agency based on negotiated prices for aircraft, vessels, plant equipment, and such other major items as he may specify: *Provided,* That such articles are not excess at the time such prices are negotiated: *Provided further,* That such prices are negotiated at the time firm orders are placed with the supplying agency.

(n) "Military education and training" includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aids, orientation, and military advice to foreign military units and forces.

(Pub. L. 87–195, pt. III, § 644, Sept. 4, 1961, 75 Stat. 461; Pub. L. 87–565, pt. III, § 303(b), Aug. 1, 1962, 76 Stat. 263; Pub. L. 88–205, pt. III, § 303, Dec. 16, 1963, 77 Stat. 389; Pub. L. 89–171, pt. III, § 303(b), Sept. 6, 1965, 79 Stat. 661; Pub. L. 90–137, pt. III, § 303(a), Nov. 14, 1967, 81 Stat. 462; Pub. L. 90–629, ch. 4, § 45(b)(5), Oct. 22, 1968, 82 Stat. 1327; Pub. L. 92–226, pt. III, § 304(c)(1), Feb. 7, 1972, 86 Stat. 32; Pub. L. 93–189, § 22, Dec. 17, 1973, 87 Stat. 726; Pub. L. 94–329, title I, § 106(b)(6), June 30, 1976, 90 Stat. 733.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Atomic Energy Act of 1954, as amended, referred to in subsecs. (d) and (e), is act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 921, as amended, which is classified principally to chapter 23 (§ 2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables volume.

AMENDMENTS

1976—Subsec. (f). Pub. L. 94-329, § 106(b)(6)(A), struck out "training" following "inspection, repair", added "but does not include military educational and training activities under part V of subchapter II", and struck out the definition of "Training".

Subsec. (n). Pub. L. 94-329, § 106(b)(6)(B), added subsec. (n).

1973—Subsec. (g). Pub. L. 93-189, § 22(1), substituted "Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components" for "mobilization reserve".

Subsec. (i). Pub. L. 93-189, § 22(2), struck out subsec. (i) which defined the term "mobilization reserve".

Subsec. (m)(1). Pub. L. 93-189, § 22(3), inserted "the actual value of the article plus" and substituted "the article, except that for purposes of section 2392(d) of this title such actual value shall not be taken into account" for "such articles".

Subsec. (m)(2). Pub. L. 93-189, § 22(3), substituted "the acquisition cost to the United States Government, adjusted as appropriate for conditions and market value;" for "the standard price in effect at the time such articles are dropped from inventory by the

supplying agency. Such standard price shall be the same price (including authorized reduced prices) used for transfers or sales of such articles in or between the Armed Forces of the United States Government, or, where such articles are not transferred or sold in or between the Armed Forces of the United States, the gross cost to the United States Government adjusted as appropriate for condition and marked values; and".

Subsec. (m)(3). Pub. L. 93-189, § 22(3), substituted "a nonexcess defense article" for "nonexcess defense articles" and "article; and" for "articles."

Subsec. (m)(4). Pub. L. 93-189, § 22(3), added subsec. (m)(4).

1972—Subsec. (m). Pub. L. 92-226 substituted "'Value' means, other than in section 2417 of this title" for "'Value' means".

1968—Subsec. (m). Pub. L. 90-629 struck out in the text following par. (3) "and sales" preceding "programs".

1967—Subsec. (d). Pub. L. 90-137, § 303(a)(1), excluded production facilities, utilization facilities, and articles involving Restricted Data from definition of "defense articles".

Subsec. (e). Pub. L. 90-137, § 303(a)(2), struck out "and formerly Restricted Data" preceding "as defined" and excluded data removed from the Restricted Data category under section 142d of the Atomic Energy Act of 1954 (classified to section 2162(d) of Title 42) from definition of "defense information".

Subsec. (f). Pub. L. 90-137, § 303(a)(3), excluded the transfer of limited quantities of defense articles for test, evaluation, or standardization purposes from definition of "defense service" and defined "training", incorporating existing references to orientation and training aid.

1965—Subsec. (g). Pub. L. 89-171, § 303(b)(1), inserted "and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order", and deleted "as grant assistance" following "international organizations".

Subsec. (m). Pub. L. 89-171, § 303(b)(2), (3), in par. (2) substituted "Such standard price shall be the same price (including authorized reduced prices)" for "Such price shall be the same standard price", and in the unnumbered par. following par. (3) substituted "Military Assistance and sales programs" for "Military assistance programs" and struck out "by the military assistance program" following "supplying agency".

1963—Subsec. (f). Pub. L. 88-205 inserted "including orientation".

1962—Subsec. (m). Pub. L. 87-565 deleted "as grant assistance" following "international organizations" in pars. (2) and (3).

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-226 applicable with respect to each fiscal year commencing on or after July 1, 1971, see section 304(c)(3) of Pub. L. 92-226, set out as an Effective Date note under section 2417 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-629 effective on July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (l) of this section delegated to the Secretary of Defense, see section 201(c) of Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2321c, 2392, 2794 of this title.

§ 2404. Unexpended balances

Unexpended balances of funds made available pursuant to this chapter, the Mutual Security Act of 1954, as amended, or the Latin American Development Act, as amended, are hereby authorized to be continued available for the general purposes for which appropriated, and may at any time be considered, and, in addition, may be consolidated with appropriations made available for the same general purposes under the authority of this chapter.

(Pub. L. 87-195, pt. III, § 645, Sept. 4, 1961, 75 Stat. 462; Pub. L. 87-565, pt. III, § 303(c), Aug. 1, 1962, 76 Stat. 263; Pub. L. 88-205, pt. III, § 304, Dec. 16, 1963, 77 Stat. 390; Pub. L. 89-171, pt. III, § 303(c), Sept. 6, 1965, 79 Stat. 661.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Mutual Security Act of 1954, referred to in text, is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, 71 Stat. 355; June 30, 1958, Pub. L. 85-477, ch. 1, §§ 101 to 103, ch. II, §§ 201 to 205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86-108, § 2, ch. 1, § 101, ch. II, §§ 201 to 205(a) to (i), (k) to (n), ch. III, § 301, ch. IV, § 401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86-472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85-141, §§ 2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86-108, ch. II, §§ 205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86-472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94-329, title II, § 212(b)(1), June 30, 1976, 90 Stat 745, except for sections 1754, 1783, 1796, 1853, 1922, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables volume.

The Latin American Development Act, as amended, referred to in the text, is Pub. L. 86-735, Sept. 8, 1960, 74 Stat. 869, as amended, which enacted sections 1942 to 1945 of this title and amended section 1753a of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1942 of this title and Tables volume.

AMENDMENTS

1965—Pub. L. 89-171 substituted "the Latin American Development Act, as amended" for "Public Law 86-735".

1963—Pub. L. 88-205 included balances of funds made available under Public Law 86-735.

1962—Pub. L. 87-565 inserted "this chapter" following "pursuant to".

§ 2405. Separability of provisions

If any provision of this chapter or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this chapter, and of the applicability of such provision to other circumstances or persons shall not be affected thereby.

(Pub. L. 87-195, pt. III, § 646, Sept. 4, 1961, 75 Stat. 462.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the

Code, see Short Title note set out under section 2151 of this title and Tables volume.

§ 2406. Development programs for dependable fuel supplies

It is of paramount importance that long-range economic plans take cognizance of the need for a dependable supply of fuels, which is necessary to orderly and stable development and growth, and that dependence not be placed upon sources which are inherently hostile to free countries and the ultimate well-being of economically underdeveloped countries and which might exploit such dependence for ultimate political domination. The agencies of government in the United States are directed to work with other countries in developing plans for basing development programs on the use of the large and stable supply of relatively low cost fuels available in the free world.

(Pub. L. 87-195, pt. III, § 647, Sept. 4, 1961, 75 Stat. 462.)

NUCLEAR POWERPLANTS IN ISRAEL OR EGYPT

Pub. L. 93-559, § 43, Dec. 30, 1974, 88 Stat. 1813, provided that: "None of the funds authorized by this Act [see Short Title of 1974 Amendment note set out under section 2151 of this title] may be used to finance the construction of, the operation or maintenance of, or the supply of fuel for any nuclear powerplant in Israel or Egypt, which has been approved under an agreement for cooperation between the United States and either such country."

§ 2407. Special authorization for use of foreign currencies

Subject to the provisions of section 724 of title 31, the President is authorized, as a demonstration of good will on the part of the people of the United States for the Polish and Italian people, to use foreign currencies accruing to the United States Government under this chapter or any other Act, for assistance on such terms and conditions as he may specify, in the repair, rehabilitation, improvement, and maintenance of cemeteries in Italy serving as the burial place of members of the armed forces of Poland who died in combat in Italy during World War II.

(Pub. L. 87-195, pt. III, § 648, as added Pub. L. 88-633, pt. III, § 303, Oct. 7, 1964, 78 Stat. 1014.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

§ 2408. Limitation on aggregate authorization for use in fiscal year 1966

Notwithstanding any other provision of this chapter, the aggregate of the total amounts authorized to be appropriated for use during the fiscal year 1966 for furnishing assistance and for administrative expenses under this chapter shall not exceed $3,360,000,000.

(Pub. L. 87-195, pt. III, § 649, as added Pub. L. 89-171, pt. III, § 303(d), Sept. 6, 1965, 79 Stat. 661.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

§ 2409. Use of United States Armed Forces

The furnishing of economic, military, or other assistance under this chapter shall not be construed as creating a new commitment or as affecting any existing commitment to use Armed Forces of the United States for the defense of any foreign country.

(Pub. L. 87-195, pt. III, § 650, as added Pub. L. 90-137, pt. III, § 303(b), Nov. 14, 1967, 81 Stat. 462.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

§ 2410. Sale of supersonic planes to Israel

It is the sense of the Congress that the President should take such steps as may be necessary, as soon as practicable after October 8, 1968, to negotiate an agreement with the Government of Israel providing for the sale by the United States of such number of supersonic planes as may be necessary to provide Israel with an adequate deterrent force capable of preventing future Arab aggression by offsetting sophisticated weapons received by the Arab States and to replace losses suffered by Israel in the 1967 conflict.

(Pub. L. 87-195, pt. III, § 651, as added Pub. L. 90-554, pt. III, § 303, Oct. 8, 1968, 82 Stat. 966.)

§ 2410a. Restrictions on sale of International Fighter aircraft

Unless the sale, grant, loan, or transfer of any International Fighter aircraft (1) has been authorized by and made in accordance with the Foreign Military Sales Act [22 U.S.C. 2751 et seq.], or this chapter, or (2) is a regular commercial transaction (not financed by the United States) between a party other than the United States and a foreign country, no such aircraft may be sold, granted, loaned, or otherwise transferred to any foreign country (or agency thereof) other than South Vietnam. For purposes of this section, "International Fighter aircraft" means the fighter aircraft developed pursuant to the authority contained in the proviso of the second paragraph of section 101 of Public Law 91-121 (relating to military procurement for fiscal year 1970 and other matters).

(Pub. L. 91-672, § 7, Jan. 12, 1971, 84 Stat. 2054.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Foreign Military Sales Act, referred to in the text, is Pub. L. 90-629, ch. 1, Oct. 22, 1968, 82 Stat. 1320, as amended, now known as the Arms Export Control Act, on authority of section 201(b) of Pub. L. 94-329, title II, June 30, 1976, 90 Stat. 734, and is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables volume.

CODIFICATION

Section was not enacted as part of the Foreign Assistance Act of 1961, which comprises this chapter.

The proviso of the second paragraph of section 101 of Pub. L. 91-121, referred to in text, was not classified to the Code.

§ 2411. Limitation upon exercise of special authorities

The President shall not exercise any special authority granted to him under section 2318(a), 2360(a), or 2364(a) of this title unless the President, prior to the date he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this chapter under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority.

(Pub. L. 87-195, pt. III, § 652, as added Pub. L. 91-652, § 8, Jan. 5, 1971, 84 Stat. 1943, and amended Pub. L. 92-226, pt. III, § 304(a)(1), Feb. 7, 1972, 86 Stat. 28.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1972—Pub. L. 92-226 struck out provision which limited exercise of special authority for purpose of providing additional assistance to Cambodia and which required thirty days notice to congressional committee (ten days in emergencies requiring immediate assistance) of intention to exercise such authority.

FUNDS NOT TO BE USED TO FINANCE INTRODUCTION OF UNITED STATES GROUND COMBAT TROOPS INTO CAMBODIA OR PROVIDE ADVISERS FOR SECURITY OR INTELLIGENCE FORCES IN CAMBODIA; ASSISTANCE TO CAMBODIA NOT TO BE CONSTRUED AS COMMITMENT BY UNITED STATES TO CAMBODIA FOR ITS DEFENSE

Section 7 of Pub. L. 91-652, as amended by Pub. L. 92-226, pt. IV, § 408, Feb. 7, 1972, 86 Stat. 35, provided that:

"(a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for military, paramilitary, police, or other security or intelligence forces in Cambodia.

"(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2318 of this title.

§ 2412. Limitation on foreign assistance appropriations

(a) Notwithstanding any provision of law enacted before January 12, 1971, no money appropriated for foreign assistance (including foreign military sales) shall be available for obligation or expenditure—

(1) unless the appropriation there of has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation for foreign assistance (including foreign military sales) authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) of this section shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after January 12, 1971, which specifically repeals or modifies the provisions of this section.

(Pub. L. 91-672, § 10, Jan. 12, 1971, 84 Stat. 2055.)

CODIFICATION

Section was not enacted as part of Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961, which comprises this chapter.

§ 2413. Changes in allocation of foreign assistance

(a) Notification by President to foreign country

Not later than thirty days after the enactment of any law appropriating funds to carry out any provision of this chapter (other than section 2261 or 2397 of this title), the President shall notify the Congress of each foreign country and international organization to which the United States Government intends to provide any portion of the funds under such law and of the amount of funds under that law, by category of assistance, that the United States Government intends to provide to each.

(b) Report to Congress prior to grant of assistance with excess funds

Notwithstanding any other provision of law, no military grant assistance security supporting assistance, assistance under part I of subchapter I of this chapter, or assistance under subchapter V of this chapter, may be furnished to any country or international organization in any fiscal year, if such assistance exceeds by 10 percent or more the amount of such military grant assistance, security supporting assistance, assistance under part I of subchapter I of this chapter, or assistance under subchapter V of this chapter, as the case may be, set forth in the report required by subsection (a) of this section, unless—

(1) the President reports to the Congress, at least ten days prior to the date on which such excess funds are provided, the country or organization to be provided the excess funds, the amount and category of the excess funds, and the justification for providing the excess funds; and

(2) in the case of military grant assistance or security supporting assistance, the President includes in the report under paragraph (1) his determination that it is in the security

interest of the United States to provide the excess funds.

This subsection shall not apply if the excess funds provided in any fiscal year to any country or international organization for any category of assistance are less than $1,000,000.

(c) Application of provisions to continuing appropriations; waiver of provisions

The provisions of this section shall not apply in the case of any law making continuing appropriations and may not be waived under the provisions of section 2364(a) of this title.

(Pub. L. 87-195, pt. III, § 653, as added Pub. L. 92-226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 28, and amended Pub. L. 93-559, § 21, Dec. 30, 1974, 88 Stat. 1801.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-559, § 21(1), struck out provisions limiting the military grant assistance or security supporting assistance to any foreign country or international organization to an amount not more than 10 percent of funds authorized under any law unless the President determines that it would be in the security interests of the United States to provide excess funds and reports to Congress the identity of the recipient, the amount of excess funds provided, and the justification for additional assistance, now covered in subsec. (b) of this section.

Subsec. (b). Pub. L. 93-559, § 21(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 93-559, § 21(2), redesignated former subsec. (b) as (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2360 of this title.

§ 2414. Presidential findings and determinations

(a) Report to Congress

In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this chapter, the Foreign Military Sales Act [22 U.S.C. 2751 et seq.], or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

(b) Action prohibition prior to execution of report

No action shall be taken pursuant to any such finding or determination has been reduced to writing and signed by the President.

(c) Publication in Federal Register

Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

(d) Information accessible to Congress prior to transmission of report

No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this chapter, the Foreign Military Sales Act [22 U.S.C. 2751 et seq.], or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

(Pub. L. 87-195, pt. III, § 654, as added Pub. L. 92-226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 29.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (d), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Foreign Military Sales Act, referred to in subsecs. (a) and (d), is Pub. L. 90-629, ch. 1, Oct. 22, 1968, 82 Stat. 1320, as amended, now known as the Arms Export Control Act, on authority of section 201(b) of Pub. L. 94-329, title II, June 30, 1976, 90 Stat. 734, and is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables volume.

§ 2415. Cambodian assistance limitations

(a) Obligation authority limitation during fiscal year ending June 30, 1975

Notwithstanding any other provision of law, no funds authorized to be appropriated by this chapter or any other law may be obligated in any amount in excess of $377,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Cambodia during the fiscal year ending June 30, 1975. Of that sum, there shall be available no more than $200,000,000 for military assistance. In addition to such $377,000,000, defense articles and services may be ordered under section 2318 of this title for Cambodia in an amount not to exceed $75,000,000 in fiscal year 1975.

(b) Computation of amount; value

In computing the $377,000,000 limitation on obligation authority under subsection (a) of this section in fiscal year 1975, (1) there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia in such fiscal year by gift, donation, loan, lease, or otherwise, and (2) there shall not be included in the computation the value of any goods, supplies, materials, or equipment attributable to the operations of the Armed Forces of the Republic of Vietnam in Cambodia. For the purpose of this subsection, "value" means the fair

market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

(c) Specific authorization for obligation of funds during fiscal years beginning after June 30, 1972

No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Cambodia in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after February 7, 1972. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

(d) Combat air operations over Cambodia excluded from obligation authority limitation

The provisions of subsections (a) and (c) of this section shall not apply with respect to the obligation of funds to carry out combat air operations over Cambodia.

(e) Cambodian aid request; report to Congress

After February 7, 1972, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Cambodia for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

(f) Funds for Cambodia; report to Congress; general breakdown

The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds obligated in, for, or on behalf of Cambodia during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount obligated, describing the different purposes for which such funds were obligated and the total amount obligated for such purpose, except that in the case of the first two quarters of the fiscal year beginning July 1, 1971, a single report may be submitted for both such quarters and such report may be computed on the basis of the most accurate estimates the President is able to make taking into consideration all information available to him.

(g) Assistance to Cambodia not a commitment of United States to defense of Cambodia

Enactment of this section shall not be construed as a commitment by the United States to Cambodia for its defense.

(Pub. L. 87-195, pt. III, § 655, as added Pub. L. 92-226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 29, and amended Pub. L. 93-559, § 39(a), Dec. 30, 1974, 88 Stat. 1810; Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-559, § 39(a)(1), (2), substituted "$377,000,000" for $341,000,000", and "1975" for "1972", and authorized $200,000,000 for military assistance, and $75,000,000 for defense articles and services for Cambodia in fiscal year 1975.

Subsec. (b). Pub. L. 93-559, § 39(a)(3), (4), substituted "$377,000,000" and "1975" for "$341,000,000" and "1972".

REPEAL

Section 39(a) of Pub. L. 93-559, Dec. 30, 1974, 88 Stat. 1810, set out in the credit of this section, was repealed by Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.

CAMBODIAN ASSISTANCE; FUNDS ALLOCATION AND RESTRICTIONS; COMMITMENT FOR DEFENSE

Pub. L. 93-559, § 39(c) to (f), Dec. 30, 1974, 88 Stat. 1810, providing for the allocation of $100,000,000 for the relief and reconstruction of Cambodia, was repealed by Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.

SPECIFIC AUTHORIZATION NOT REQUIRED FOR OBLIGATION OF FUNDS FOR ASSISTANCE AUTHORIZED TO BE FURNISHED FOR FISCAL YEAR 1974

Pub. L. 93-189, § 12(c), Dec. 17, 1973, 87 Stat. 722, provided that the special authorization for obligation of funds required for fiscal years beginning after June 30, 1972 was not to apply to assistance authorized under any provision of law for fiscal year 1974.

§ 2416. Limitations on United States personnel and personnel assisted by United States in Cambodia; air operations and volunteer humanitarian assistance exclusions; executive agency of the United States Government

The total number of civilian officers and employees of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States (excluding such members while actually engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed two hundred. The United States shall not, at any time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than eighty-five individuals in Cambodia who are citizens of countries other than Cambodia or the United States. For purposes of this section, "executive agency of the United States Government" means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government. This section shall not be construed to apply with respect to any individual in Cambodia who (A) is an employee or volunteer worker of a voluntary private, nonprofit relief organization or is an employee or volunteer worker of the International Committee of the Red Cross, and (B) engages only in activities providing humanitarian assistance in Cambodia.

(Pub. L. 87-195, pt. III, § 656, as added Pub. L. 92-226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 30, and amended Pub. L. 93-559, § 39(b), Dec. 30, 1974, 88 Stat. 1810; Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.)

AMENDMENTS

1974—Pub. L. 93-559 made it clear that the limitations of the section were not to apply to certain volunteer workers providing humanitarian assistance.

REPEAL

Section 39(b) of Pub. L. 93-559, Dec. 30, 1974, 88 Stat. 1810, set out in the credit of this section, was repealed by Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.

§ 2417. Annual foreign assistance and military exports report

(a) An informed Congress and American people as the purpose for the report; information requirements and explanations

In order that the Congress and the American people may be better and more currently informed regarding the volume and cost of assistance extended by the United States Government to foreign countries and international organizations, and in order that the Congress and the American people may be better informed regarding the sale of arms to foreign countries and international organizations by private industry of the United States, not later than March 31 of each year the President shall transmit to the Congress an annual report, for the fiscal year ending prior to the fiscal year in which the report is transmitted, showing—

(1) the aggregate dollar value of all foreign assistance (including military education and training), foreign military sales, sales credits, and guaranties provided or made by the United States Government by any means to all foreign countries and international organizations, and the aggregate dollar value of such assistance, sales, sales credits, and guaranties, by category, provided or made by the United States Government to or for each such country or organization during that fiscal year;

(2) the total amounts of foreign currency paid by each foreign country or international organization to the United States Government in such fiscal year, what each payment was made for, whether any portion of such payment was returned by the United States Government to the country or organization from which the payment was obtained or whether any such portion was transferred by the United States Government to another foreign country or international organization, and, if so returned or transferred, the kind of assistance obtained by that country or organization with those foreign currencies and the dollar value of such kind of assistance;

(3) the aggregate dollar value and quantity of defense articles and defense services, and of military education and training, exported to each foreign country and international organization, by category, specifying whether the export was made by grant under part II or part V of subchapter II of this chapter, by sale under chapter 2 of the Arms Export Control Act [22 U.S.C. 2761 et seq.], by commercial sale licensed under chapter 3 of that Act [22 U.S.C. 2771 et seq.], or by other authority; and

(4) such other matters relating to foreign assistance provided by the United States Government as the President considers appropriate, including explanations of the information required under clauses (1) through (3) of this subsection.

(b) Public information; supplemental report for information detrimental to Federal security; concurrent transmission of report and supplement

All information contained in any report transmitted under this section shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplemental report shall be transmitted to the Congress at the same time that the report is transmitted.

(c) Agents for acceptance of report or supplement upon transmission to a Congress not in session and for presentation of the same to the Houses upon their convening

If the Congress is not in session at the time a report or supplemental report is transmitted to the Congress, the Secretary of the Senate and the Clerk of the House of Representatives shall accept the report or supplemental report on behalf of their respective Houses of Congress and present the report or supplemental report to the two Houses immediately upon their convening.

(d) Definitions

For the purposes of this section—

(1) "foreign assistance" means any tangible or intangible item provided by the United States Government under this or any other law to a foreign country or international organization, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country; and

(2) "provided by the United States Government" includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit, or guaranty.

(Pub. L. 87-195, pt. III, § 657, as added Pub. L. 92-226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 30, and amended Pub. L. 93-189, § 23, Dec. 17, 1973, 87 Stat. 726; Pub. L. 94-273, § 5(2), Apr. 21, 1976, 90 Stat. 377; Pub. L. 94-329, title II, § 216, June 30, 1976, 90 Stat. 747.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (a)(3), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended. Chapters 2 and 3 of the Arms Export Control Act are classified generally to subchapter II (§ 2761 et seq.) and subchapter III (§ 2771 et seq.) of chapter 39 of this title, respectively. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables volume.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-273 substituted "March" for "December".

Subsec. (a)(1). Pub. L. 94-329, § 216(2), substituted "foreign assistance (including military education and training), foreign military sales, sales credits, and

guaranties provided or made" for "foreign assistance provided" and "aggregate dollar value of such assistance, sales, sales credits, and guaranties, by category, provided or made" for "aggregate dollar value of such assistance by category provided".

Subsec. (a)(3). Pub. L. 94-329, § 216(3), substituted "and quantity of defense articles and defense services, and of military education and training, exported to each foreign country and international organization, by category, specifying whether the export was made by grant under part II or part V of subchapter II of this chapter, by sale under chapter 2 of the Arms Export Control Act, by commercial sale licensed under chapter 3 of that Act, or by other authority; and" for "of all weapons, weapons systems, munitions, aircraft, military boats, military vessels, and other implements of war, and the aggregate dollar value of each category of such implements of war, exported under any export license, to all foreign countries and international organizations, and to each such country and organization, during that fiscal year:".

Subsec. (a)(4). Pub. L. 94-329, § 216(4), (5), redesignated former subsec. (a)(5) as (a)(4) and, as so redesignated, substituted "(3)" for "(4)". Former subsec. (a)(4), which required inclusion in the Presidential report of all exports of significant defense articles on the United States Munitions List by the United States or any individual, corporation, partnership, or association doing business in the United States, was struck out.

Subsec. (a)(5). Pub. L. 94-329, § 216(5), redesignated former subsec. (a)(5) as (a)(4).

1973—Subsec. (a)(3). Pub. L. 93-189 substituted "weapons, weapons systems, munitions, aircraft, military boats, military vessels, and other implements of war," for "arms, ammunitions, and other implements of war," and "each category of such implements of war," for "each category of such arms, ammunitions, and implements of war,".

Subsec. (a)(4). Pub. L. 93-189 added subsec. (a)(4). Former subsec. (a)(4) redesignated (a)(5).

Subsec. (a)(5). Pub. L. 93-189 redesignated former subsec. (a)(4) as (a)(5) and substituted reference to clauses (1) through (4) of this subsection for references to clauses (1) to (3) of this subsection.

Subsec. (d)(3). Pub. L. 93-189 struck out subsec. (d)(3) which defined the term "value".

EFFECTIVE DATE

Section 304(c)(3) of Pub. L. 92-226 provided that: "The provisions of this subsection [repealing section 2394(a) and amending section 2403(m) of this title] and section 657 of such Act, as added by subsection (b) of this Act [this section], shall apply with respect to each fiscal year commencing on or after July 1, 1971."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 sections 1706, 1726.

§ 2418. Limitation on use of funds

(a) Certification of release of impounded funds for obligation and expenditure

Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this chapter or the Foreign Military Sales Act [22 U.S.C. 2751 et seq.] shall be obligated or expended until the Comptroller General of the United States certifies to the Congress that all funds previously appropriated and thereafter impounded during the fiscal year 1971 for programs and activities administered by or under the direction of the Department of Agriculture, the Department of Housing and Urban Development, and Department of Health, Education, and Welfare have been released for obligation and expenditure.

(b) Funds and appropriations not subject to restriction

The provisions of this section shall not apply—

(1) to funds being withheld in accordance with specific requirements of law; and

(2) to appropriations obligated or expended prior to April 30, 1972.

(Pub. L. 87-195, pt. III, § 658, as added Pub. L. 92-226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 32.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Foreign Military Sales Act, referred to in subsec. (a), is Pub. L. 90-629, ch. 1, Oct. 22, 1968, 82 Stat. 1320, as amended, now known as the Arms Export Control Act, on authority of section 201(b) of Pub. L. 94-329, title II, June 30, 1976, 90 Stat. 734, and is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables volume.

§ 2419. Access to certain military bases abroad

None of funds authorized to be appropriated for foreign assistance (including foreign military sales, credit sales, and guaranties) under this chapter may be used to provide any kind of assistance to any foreign country in which a military base is located if—

(1) such base was constructed or is being maintained or operated with funds furnished by the United States; and

(2) personnel of the United States carry out military operations from such base;

unless and until the President has determined that the government of such country has, consistent with security authorized access, on a regular basis, to bona fide news media correspondents of the United States to such military base.

(Pub. L. 87-195, pt. III, § 659, as added Pub. L. 93-559, § 29(a), Dec. 30, 1974, 88 Stat. 1803.)

REFERENCES IN TEXT

This chapter, referred to in text was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

§ 2420. Police training prohibition

(a) On and after July 1, 1975, none of the funds made available to carry out this chapter, and none of the local currencies generated under this chapter, shall be used to provide training or advice, or provide any financial support, for police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.

(b) Subsection (a) of this section shall not apply—

(1) with respect to assistance rendered under section 3763(c) of title 42, with respect

to any authority of the Drug Enforcement Administration or the Federal Bureau of Investigation which relates to crimes of the nature which are unlawful under the laws of the United States, or with respect to assistance authorized under section 2291a of this title; or

(2) to any contract entered into prior to December 30, 1974, with any person, organization, or agency of the United States Government to provide personnel to conduct, or assist in conducting, any such program.

Notwithstanding clause (2), subsection (a) of this section shall apply to any renewal or extension of any contract referred to in such paragraph entered into on or after December 30, 1974.

(Pub. L. 87-195, pt. III, § 660, as added Pub. L. 93-559, § 30(a), Dec. 30, 1974, 88 Stat. 1803.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

§ 2421. Reimbursable development programs

The President is authorized to use up to $1,000,000 of the funds made available for the purposes of this chapter in the fiscal year 1975, $2,000,000 in the fiscal year 1976, and $2,000,000 in the fiscal year 1977, to work with friendly countries, especially those in which United States development programs have been concluded or those not receiving assistance under subchapter I of this chapter, in (1) facilitating open and fair access to natural resources of interest to the United States and (2) stimulation of reimbursable aid programs consistent with subchapter I of this chapter. Any funds used for purposes of this section may be used notwithstanding any other provision of this chapter.

(Pub. L. 87-195, pt. III, § 661, as added Pub. L. 93-559, § 31, Dec. 30, 1974, 88 Stat. 1804, and amended Pub. L. 94-161, title III, § 316, Dec. 20, 1975, 89 Stat. 867.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1975—Pub. L. 94-161 increased usable funds in fiscal year 1976 to $2,000,000 from $1,000,000 and authorized use of $2,000,000 in fiscal year 1977.

§ 2422. Intelligence activities

(a) Limitations; Presidential report to Congress

No funds appropriated under the authority of this chapter or any other Act may be expended by or on behalf of the Central Intelligence Agency for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, unless and until the President finds that each such operation is important to the national security of the United States and reports, in a timely fashion, a description and scope of such operation to the appropriate committees of the Congress, including the Committee on Foreign Relations of the United States Senate and the Committee on International Relations of the United States House of Representatives.

(b) Military operations exception

The provisions of subsection (a) of this section shall not apply during military operations initiated by the United States under a declaration of war approved by the Congress or an exercise of powers by the President under the War Powers Resolution [50 U.S.C. 1541 et seq.].

(Pub. L. 87-195, pt. III, § 662, as added Pub. L. 93-559, § 32, Dec. 30, 1974, 88 Stat. 1804, and amended H. Res. 163, Mar. 19, 1975.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The War Powers Resolution, referred to in subsec. (b), is Pub. L. 93-148, Nov. 7, 1973, 87 Stat. 555, which is classified generally to chapter 33 (§ 1541 et seq.) of Title 50, War and National Defense. For complete classification of this Resolution to the Code, see Short Title note set out under section 1541 of Title 50 and Tables volume.

CHANGE OF NAME

The name of the Committee on Foreign Affairs of the House of Representatives was changed to Committee on International Relations effective Mar. 19, 1975, by House Resolution 163, 94th Congress.

§ 2423. Exchanges of certain materials

(a) Agreement for necessary or strategic raw material; definition

Notwithstanding any other provision of law, whenever the President determines it is in the United States national interest, he shall furnish assistance under this chapter or shall furnish defense articles or services under the Foreign Military Sales Act [22 U.S.C. 2751 et. seq.], pursuant to an agreement with the recipient of such assistance, articles, or services which provides that such recipient may only obtain such assistance, articles, or services in exchange for any necessary or strategic raw material controlled by such recipient. For the purposes of this section, the term "necessary or strategic raw material" includes petroleum, other fossil fuels, metals, minerals, or any other natural

substance which the President determines is in short supply in the United States.

(b) Allocation of raw materials to Federal agencies

The President shall allocate any necessary or strategic raw material transferred to the United States under this section to any appropriate agency of the United States Government for stockpiling, sale, transfer, disposal, or any other purpose authorized by law.

(c) Deposits in United States Treasury of funds from disposal of materials

Funds received from any disposal of materials under subsection (b) of this section shall be deposited as miscellaneous receipts in the United States Treasury.

(Pub. L. 87-195, pt. III, § 663, as added Pub. L. 93-559, § 32, Dec. 30, 1974, 88 Stat. 1805.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Foreign Military Sales Act, referred to in subsec. (a), is Pub. L. 90-629, ch. 1, Oct. 22, 1968, 82 Stat. 1320, as amended, now known as the Arms Export Control Act, on authority of section 201(b) of Pub. L. 94-329, title II, June 30, 1976, 90 Stat. 734, and is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables volume.

§ 2424. Waiver of prohibition against assistance to countries engaging in certain trade or shipping

Any provision of this chapter which prohibits assistance to a country because that country is engaging in trade with a designated country, or because that country permits ships or aircraft under its registry to transport any equipment, materials, or commodities to or from such designated country, may be waived by the President if he determines that such waiver is in the national interest and reports such determination to the Congress.

(Pub. L. 87-195, pt. III, § 664, as added Pub. L. 93-559, § 33, Dec. 30, 1974, 88 Stat. 1805.)

REFERENCES IN TEXT

This chapter, referred to in text was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

§ 2425. Authorization of appropriations for interim period July 1, 1976, through September 30, 1976; limitation of amount

There are authorized to be appropriated for the period July 1, 1976, through September 30, 1976, such amounts as may be necessary to conduct programs and activities for which funding was authorized for fiscal year 1976 by the International Development and Food Assistance Act of 1975, in accordance with the provisions applicable to such programs and activities for such fiscal year, except that the total amount appropriated for such period shall not exceed one-fourth of the total amount authorized to be appropriated for the fiscal year 1976 for such programs and activities.

(Pub. L. 87-195, pt. III, § 665, as added Pub. L. 94-161, title III, § 317, Dec. 20, 1975, 89 Stat. 867.)

REFERENCES IN TEXT

The International Development and Food Assistance Act of 1975, referred to in the text, is Pub. L. 94-161, Dec. 20, 1975, 89 Stat. 849. For complete classification of this Act to the Code, see Short Title of 1975 Amendment note set out under section 2151 of this title and Tables volume.

§ 2426. Discrimination against United States personnel

(a) Assignment of personnel on basis of ability and experience

The President shall not take into account, in assigning officers and employees of the United States to carry out any economic development assistance programs funded under this chapter in any foreign country, the race, religion, national origin, or sex of any such officer or employee. Such assignments shall be made solely on the basis of ability and relevant experience.

(b) Prohibition on use of funds in country practicing discrimination

Effective six months after December 20, 1975, or on such earlier date as the President may determine, none of the funds made available under this chapter may be used to provide economic development assistance to any country which objects to the presence of any officer or employee of the United States who is present in such country for the purpose of carrying out any program of economic development assistance authorized by the provisions of this chapter on the basis of the race, religion, national origin, or sex of such officer or employee.

(c) Rules and regulations

The Secretary of State shall promulgate such rules and regulations as he may deem necessary to carry out the provisions of this section.

(Pub. L. 87-195, pt. III, § 666, as added Pub. L. 94-161, title III, § 318, Dec. 20, 1975, 89 Stat. 868.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b) was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

§ 2427. Operating expenses

Nothing in this chapter is intended to preclude the Committees on Appropriations, in appropriation legislation, from setting a ceiling on operating expenses of the agency primarily responsible for administering subchapter I of this chapter and limiting the availability of other sums therefor.

(Pub. L. 87-195, pt. III, § 667, as added Pub. L. 94-161, title III, § 319, Dec. 20, 1975, 89 Stat. 868.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75

Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

§ 2428. Report on Korea

Within ninety days after June 30, 1976, and at least once during each of the next five years, the President shall transmit to the Speaker of the House of Representatives and to the Committees on Foreign Relations and Armed Services of the Senate a report which (1) reviews the progress made under the announced program of the Republic of Korea to modernize its armed forces so as to achieve military self-sufficiency by 1980, (2) reports on the role of the United States in mutual security efforts in the Republic of Korea, and (3) reports on the prospects for or implementation of phased reduction of United States Armed Forces assigned to duty in the Republic of Korea, in coordination with the timetable of the Republic of Korea for military self-sufficiency.

(Pub. L. 87-195, pt. III, § 668, as added Pub. L. 94-329, title IV, § 411, June 30, 1976, 90 Stat. 760.)

EROSION OF CIVIL LIBERTIES IN KOREA

Pub. L. 94-329, title IV, § 412, June 30, 1976, 90 Stat. 761, provided that: "The Congress views with distress the erosion of important civil liberties in the Republic of Korea and requests that the President communicate this concern in forceful terms to the Government of the Republic of Korea within sixty days after enactment [June 30, 1976]."

§ 2429. Transfers of nuclear reprocessing or enrichment equipment, materials or technology

(a) Except as provided in subsection (b) of this section, no funds authorized to be appropriated by this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] may be used for the purpose of—

(1) providing economic assistance;

(2) providing military or security supporting assistance or grant military education and training; or

(3) extending military credits or making guarantees;

to any country which—

(A) delivers nuclear reprocessing or enrichment equipment, materials, or technology to any other country; or

(B) receives such equipment, materials or technology from any other country;

unless before such delivery—

(i) the supplying country and receiving country have reached agreement to place all such equipment, materials, and technology, upon delivery, under multilateral auspices and management when available; and

(ii) the recipient country has entered into an agreement with the International Atomic Energy Agency to place all such equipment, materials, technology, and all nuclear fuel and facilities in such country under the safeguards system of such Agency.

(b)(1) Notwithstanding the provisions of subsection (a) of this section, the President may, by Executive order effective not less than 30 days following its date of promulgation, furnish assistance which would otherwise be prohibited under paragraph (1), (2), or (3) of such subsection if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) the termination of such assistance would have a serious adverse effect on vital United States interests; and

(B) he has received reliable assurances that the country in question will not acquire or develop nuclear weapons or assist other nations in doing so.

Such certification shall set forth the reasons supporting such determination in each particular case.

(2)(A) The Congress may by joint resolution terminate or restrict assistance described in paragraphs (1) through (3) of subsection (a) of this section with respect to a country to which the prohibition in such subsection applies or take any other action with respect to such assistance for such country as it deems appropriate.

(B) Any such joint resolution with respect to a country shall, if introduced within 30 days after the transmittal of a certification under paragraph (1) with respect to such country, be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(Pub. L. 87-195, pt. III, § 669, as added Pub. L. 94-329, title III, § 305, June 30, 1976, 90 Stat. 755.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Arms Export Control Act, referred to in subsec. (a), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables volume.

Section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (b)(2)(B), in section 601(b) of Pub. L. 94-329, June 30, 1976, 90 Stat. 729, which made provision for expedited procedures in the Senate and was not classified to the Code.

SUBCHAPTER IV—INDOCHINA POSTWAR RECONSTRUCTION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2151m, 2399d of this title.

§ 2431. Repealed. Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761

Section, Pub. L. 87-195, pt. V, § 801, as added Pub. L. 93-189, § 24, Dec. 17, 1973, 87 Stat. 728, authorized the President to furnish assistance for relief and reconstruction of South Vietnam, Cambodia, and Laos.

LAOTIAN ASSISTANCE; LIMITATIONS; TRANSFER OF FUNDS; "VALUE" DEFINED; PRESIDENTIAL REPORTS TO CONGRESS

Pub. L. 93-559, § 40, Dec. 30, 1974, 88 Stat. 1811, which set limits on the uses of funds appropriated for Laotian assistance, was repealed by Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.

SOUTH VIETNAMESE ASSISTANCE; LIMITATIONS; TRANSFER OF FUNDS; NOTIFICATION OF SPEAKER OF HOUSE AND SENATE FOREIGN RELATIONS COMMITTEE; PRESIDENTIAL REPORTS TO CONGRESS; UNITED STATES CIVILIAN OFFICERS AND EMPLOYEES IN SOUTH VIETNAM; LIMITATION; "EXECUTIVE AGENCY OF THE UNITED STATES GOVERNMENT" DEFINED; NONAPPLICABILITY

Pub. L. 93-559, § 38, Dec. 30, 1974, 88 Stat. 1808, which set limits on the allocation and uses of funds appropriated for the relief and reconstruction of South Vietnam, was repealed by Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.

INDOCHINA ECONOMIC AID; GOVERNING PRINCIPLES

Pub. L. 93-559, § 35, Dec. 30, 1974, 88 Stat. 1806, which set out the governing principles for the giving of economic aid to Indochina, was repealed by Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.

INDOCHINA POLICY; REPORT TO CONGRESS.

Pub. L. 93-559, § 34, Dec. 30, 1974, 88 Stat. 1805, which set out the Congressional findings and Congressional directives with reference to the negotiations to be conducted to terminate the fighting in South Vietnam and Cambodia and which directed that the President and Secretary of State report to Congress at regular intervals regarding progress towards the cessation of hostilities in Indochina, was repealed by Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.

SAVINGS PROVISION

Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761, provided in part that: "All determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by this section, [which repealed this section and sections 2432 to 2435 of this title and provisions formerly set out as notes under this section and sections 2415, 2432, and 2433 of this title] shall continue in full force and effect until modified, revoked, or superseded by appropriate authority."

ADOPTION OF CONTRACTS FUNDED OR APPROVED FOR FUNDING BY AGENCY FOR INTERNATIONAL DEVELOPMENT PRIOR TO JUNE 30, 1975, COVERING TRANSACTIONS INVOLVING FORMER GOVERNMENTS OF VIETNAM OR CAMBODIA OR GOVERNMENT OF LAOS

Pub. L. 94-329, title IV, § 413(b), (c), June 30, 1976, 90 Stat. 761, provided that:

"(b) Subject to the availability of appropriations therefor, the President is authorized to adopt as a contract of the United States Government, and assume any liabilities arising thereunder (in whole or in part), any contract which had been funded or approved for funding by the Agency for International Development prior to June 30, 1975, for financing with funds made available under the Foreign Assistance Act of 1961 [this chapter] or the Foreign Assistance Act of 1974 [Pub. L. 93-559, Dec. 30, 1974, 88 Stat. 1795], or any equitable claim based upon a letter of intent issued prior to April 30, 1975, in which the Agency had expressed its intention to finance a transaction subject to the availability of funds, between the former Governments of Vietnam or Cambodia (including any of their agencies) or the Government of Laos (or any of its agencies) and any person and to apply with respect to any such contract the authorities of the Foreign Assistance Act of 1961 [this chapter].

"(c) Funds made available for the purposes of part V of the Foreign Assistance Act of 1961 [sections 2431 to 2435 of this title] and of section 36 of the Foreign Assistance Act of 1974 [section 36 of Pub. L. 93-559, formerly set out as a note under section 2432 of this title] (including amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955 (31 U.S.C. 200), as having been obligated against appropriations heretofore made) are authorized to be appropriated, and thereafter, to remain available until expended, to meet necessary expenses arising from the actions authorized by subsection (b) of this section and such funds are authorized to remain available until expended to meet necessary expenses arising from the termination of assistance programs authorized by such part and such section 36, which expenses may include but need not be limited to the settlement of claims and associated personnel costs."

INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION IN VIETNAM; AUTHORIZATION OF APPROPRIATIONS

Pub. L. 93-559, § 48, Dec. 30, 1974, 88 Stat. 1816, provided that:

"(a) There are authorized to be appropriated to the Department of State for fiscal year 1975 not to exceed $16,526,000 for payments by the United States to help meet expenses of the International Commission of Control and Supervision in Vietnam. Funds appropriated under this subsection are authorized to be made available for reimbursement to the Agency for International Development of amounts expended by the Agency during fiscal year 1975 as interim United States payments to help meet expenses of the International Commission of Control and Supervision.

"(b) There are authorized to be appropriated to the Department of State not to exceed $11,200,000 for reimbursement to the Agency for International Development of amounts expended by the Agency for International Development to help meet expenses of the International Commission on Control and Supervision in fiscal year 1974.

"(c) Reimbursements received by the Agency for International Development under this section may be credited to applicable appropriations of the Agency and shall be available for the purposes for which such appropriations are authorized to be used during fiscal year 1975."

§ 2432. Repealed. Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761

Section, Pub. L. 87-195, pt. V, § 802, as added Pub. L. 93-189, § 24, Dec. 17, 1973, 87 Stat. 728, authorized the appropriation of $504,000,000 for fiscal year 1974 to remain available until expended for the relief and reconstruction of South Vietnam, Cambodia, and Laos.

INDOCHINA POSTWAR RECONSTRUCTION; LIMITATIONS; AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1975; TRANSFER OF FUNDS

Pub. L. 93-559, § 36, Dec. 30, 1974, 88 Stat. 1807, which placed limitations on Indochina postwar reconstruction, was repealed by Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.

§ 2433. Repealed. Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761

Section, Pub. L. 87-195, pt. V, § 803, as added Pub. L. 93-189, § 24, Dec. 17, 1973, 87 Stat. 728, provided for assistance to South Vietnamese children.

FUNDS AVAILABLE FROM APPROPRIATIONS AUTHORIZATION FOR FISCAL YEAR 1975

Pub. L. 93-559, § 37, Dec. 30, 1974, 88 Stat. 1808, which made provision for day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related thereto for the benefit of Vietnamese children, was repealed by Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761.

§§ 2434, 2435. Repealed. Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761

Section 2434, Pub. L. 87-195, pt. V, § 804, as added Pub. L. 93-189, § 24, Dec. 17, 1973, 87 Stat. 729, made provision for assistance to the Center for Plastic and Reconstructive Surgery in Saigon.

Section 2435, Pub. L. 87-195, pt. V, § 806, as added Pub. L. 93-559, § 41, Dec. 30, 1974, 88 Stat. 1812, directed that the provisions covering the special programs for the relief of South Vietnam, Cambodia, and Laos not apply to programs related to population growth, narcotics control, humanitarian programs by international organizations, and regional programs.

SUBCHAPTER V—MIDDLE EAST ASSISTANCE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2151m, 2304, 2314, 2321i, 2413 of this title.

§ 2441. Congressional statement of policy; emigration restrictions barring funds; determination of Middle East policy; disavowal of executive branch undertakings to Middle East governments or groups

The Congress recognizes that a peaceful and lasting resolution of the divisive issues that have contributed to tension and conflict between nations in the Middle East is essential to the security of the United States and the cause of world peace. The Congress declares and finds that the United States can and should play a constructive role in securing a just and durable peace in the Middle East by facilitating increased understanding between the Arab nations and Israel, and by assisting the nations in the area in their efforts to achieve economic progress and political stability, which are the essential foundations for a just and durable peace. It is the sense of Congress that United States assistance programs in the Middle East should be designated to promote mutual respect and security among the nations in the area and to foster a climate conducive to increased economic development, thereby contributing to a community of free, secure, and prospering nations in the Middle East.

It is further the sense of Congress that none of the funds authorized by this chapter should be provided to any nation which denies its citizens the right or opportunity to emigrate.

It is the sense of Congress that the United States will continue to determine Middle East Policy as circumstances may require and that the authority contained in the joint resolution entitled "Joint resolution to implement the United States proposal for the early-warning system in Sinai", approved October 13, 1975 (Public Law 94-110), and the authorizations contained in the amendments made by the International Security Assistance and Arms Export Control Act of 1976 do not, and shall not in any way be construed to, constitute congressional approval, acceptance, or endorsement (1) of any oral or written commitment, understanding, assurance, promise, or agreement, whether expressed or implied, or any other expression, oral or written (other than the "United States Proposal for the Early Warning System in Sinai"), made by any official of the United States which Israel, Egypt, or any other nation or organization might construe or interpret as a basis on which it could rely or act, or (2) of any characterization of any such commitment, understanding, assurance, promise, or agreement, or other expression, as constituting a "codification" of existing, congressionally approved United States policy.

(Pub. L. 87-195, pt. VI, § 901, as added Pub. L. 93-559, § 42, Dec. 30, 1974, 88 Stat. 1812, and amended Pub. L. 94-329, title IV, § 401, June 30, 1976, 90 Stat. 756.)

REFERENCES IN TEXT

The joint resolution entitled "Joint resolution to implement the United States proposal for the early-warning system in Sinai", approved October 13, 1975 (Public Law 94-110), referred to in text, is set out as a note under this section.

The International Security Assistance and Arms Export Control Act of 1976, referred to in text, is Pub. L. 94-329, June 30, 1976, 90 Stat. 729. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1976—Pub. L. 94-329 added provisions expressing the intent of Congress to retain its flexibility in determining Middle East policy and disavowing Congressional approval of executive branch undertakings to governments in the Middle East.

STRIFE IN LEBANON

Pub. L. 94-329, title IV, § 410, June 30, 1976, 90 Stat. 760, provided that: "It is the sense of the Congress that the situation in Lebanon, a nation traditionally friendly to the United States, poses a danger to peace in the Middle East. The Congress deplores the armed civil strife and the continuing erosion of national institutions which threaten to destroy the political and economic fabric of Lebanon with such tragic impact on all its people. The Congress views with grave concern any outside efforts to exploit the current strife with the purpose of transforming Lebanon into a radical state in confrontation with Israel. The Congress requests that the President use his good offices to secure an end to the civil strife and national discord in Lebanon and to preserve the traditional friendly attitude of Lebanon toward the United States."

UNITED STATES PROPOSAL FOR THE EARLY WARNING SYSTEM IN SINAI

Pub. L. 94-110, Oct. 13, 1975, 89 Stat. 572, provided that:

"Whereas an agreement signed on September 4, 1975, by the Government of the Arab Republic of Egypt and the Government of Israel may, when it enters into force, constitute a significant step toward peace in the Middle East;

"Whereas the President of the United States on September 1, 1975, transmitted to the Government of the Arab Republic of Egypt and to the Government of Israel identical proposals for United States participation in an early-warning system, the text of which has been submitted to the Congress, providing for the assignment of no more than two hundred United States civilian personnel to carry out certain specified noncombat functions and setting forth the terms and conditions thereof;

"Whereas that proposal would permit the Government of the United States to withdraw such person-

nel if it concludes that their safety is jeopardized or that continuation of their role is no longer necessary; and

"Whereas the implementation of the United States proposals for the early-warning system in Sinai may enhance the prospect of compliance in good faith with the terms of the Egyptian-Israeli agreements and thereby promote the cause of peace: Now, therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to implement the 'United States Proposal for the Early Warning System in Sinai': *Provided, however,* That United States civilian personnel assigned to Sinai under such proposal shall be removed immediately in the event of an outbreak of hostilities between Egypt and Israel or if the Congress by concurrent resolution determines that the safety of such personnel is jeopardized or that continuation of their role is no longer necessary. Nothing contained in this resolution shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

"SEC. 2. Any concurrent resolution of the type described in the first section of this resolution which is introduced in either House of Congress shall be privileged in the same manner and to the same extent as a concurrent resolution of the type described in section 5(c) of Public Law 93-148 [section 1544(c) of Title 50, War and National Defense] is privileged under section 7 of such law [section 1546 of title 50, War and National Defense].

"SEC. 3. The United States civilian personnel participating in the early warning system in Sinai shall include only individuals who have volunteered to participate in such system.

"SEC. 4. Whenever United States civilian personnel, pursuant to this resolution, participate in an early warning system, the President shall, so long as the participation of such personnel continues, submit written reports to the Congress periodically, but no less frequently than once every six months, on (1) the status, scope, and anticipated duration of their participation, and (2) the feasibility of ending or reducing as soon as possible their participation by substituting nationals of other countries or by making technological changes. The appropriate committees of the Congress shall promptly hold hearings on each report of the President and report to the Congress any findings, conclusions, and recommendations.

"SEC. 5. The authority contained in this joint resolution to implement the 'United States Proposal for the Early Warning System in Sinai' does not signify approval of the Congress of any other agreement, understanding, or commitment made by the executive branch."

EX. ORD. NO. 11896. ESTABLISHMENT OF UNITED STATES SINAI SUPPORT MISSION

Ex. Ord. No. 11896, Jan. 13, 1976, 41 F.R. 2067, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Joint Resolution of October 13, 1975 (Public Law 94-110, 89 Stat. 572, 22 U.S.C. 2441 note) [set out as a note above], the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 *et seq.*), including but not limited to Sections 531, 621, 633, 901, and 903 thereof (22 U.S.C. 2346, 2381, 2393, 2441, 2443), and section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. (a) In accordance with the Foreign Assistance Act of 1961, as amended, and notwithstanding the provisions of Part I of Executive Order No. 10973, as amended, [set out as a note under section 2381 of this title], there is hereby established the United States Sinai Support Mission, hereinafter referred to as the Mission.

(b) The Mission shall, in accordance with the Foreign Assistance Act of 1961, as amended, the Joint Resolution of October 13, 1975, and the provisions of this order, carry out the duties and responsibilities of the United States Government to implement the "United States Proposal for the Early Warning System in Sinai" in connection with the Basic Agreement between Egypt and Israel, signed on September 4, 1975, and the Annex to the Basic Agreement, subject to broad policy guidance received through the Assistant to the President for national security affairs, and the continuous supervision and general direction of the Secretary of State pursuant to Section 622(c) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2382(c)).

(c) It shall be the duty and responsibility of the Mission to ensure that the United States role in the Early Warning System enhances the prospect of compliance in good faith with the terms of the Egyptian-Israeli agreement and thereby promotes the cause of peace.

(d) At the head of the Mission there shall be a Director, who shall be appointed by the President. The Director shall be a Special Representative of the President. There shall also be a Deputy Director, who shall be appointed by the President. The Deputy Director shall perform such duties as the Director may direct, and shall serve as the Director in the case of a vacancy in the office of the Director, or during the absence or disability of the Director.

(e) The Director and Deputy Director shall receive such compensation, as permitted by law, as the President may specify.

SEC. 2. (a) The Director shall exercise immediate supervision and direction over the Mission.

(b) The Director may, to the extent permitted by law, employ such staff as may be necessary.

(c) The Director may, to the extent permitted by law and the provisions of this order, enter into such contracts as may be necessary to carry out the purposes of this order.

(d) The Director may procure the temporary or intermittent services of experts or consultants, in accordance with the provisions of Section 626 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2386), and section 3109 of title 5 of the United States Code.

(e) As requested by the Director, the agencies of the Executive branch shall, to the extent permitted by law and to the extent practicable, provide the Mission with such administrative services, information, advice, and facilities as may be necessary for the fulfillment of the Mission's functions under this order.

SEC. 3. (a) In accordance with the provisions of Section 633 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2393), it is hereby determined to be in furtherance of the purposes of the Foreign Assistance Act of 1961, as amended, that the functions authorized by that act and required by this order, may be performed, subject to the provisions of subsection (b) of this Section, by the Director without regard to the following specified provisions of law and limitations of authority:

(1) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529).

(2) Section 3710 of the Revised Statutes (41 U.S.C. 8).

(3) Section 2 of Title III of the Act of March 3, 1933 (47 Stat. 1520, 41 U.S.C. 10a).

(4) Section 3735 of the Revised Statutes (41 U.S.C. 13).

(5) Section 3679 of the Revised Statutes, as amended (31 U.S.C. 665) Section 3732 of the Revised Statutes, as amended (41 U.S.C. 11), and Section 9 of the Act of June 30, 1906 (34 Stat. 764, 31 U.S.C. 627), so as to permit the indemnification of contractors against unusually hazardous risks, as defined in Mission contracts, consistent, to the extent practicable, with regulations prescribed by the Department of Defense pursuant to the provisions of the Act of August 28, 1958,

as amended (50 U.S.C. 1431 *et seq.*) and Executive Order No. 10789 of November 14, 1958, as amended [set out as a note under section 1431 of Title 50, War and National Defense].

(6) Section 302(a) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252(a)), so as to permit the Sinai Support Mission to utilize the procurement regulations promulgated by the Department of Defense pursuant to Section 2202 of Title 10 of the United States Code.

(7) Section 304(b) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 254(b), so as to permit the payment of fees in excess of the prescribed fee limitations but nothing herein contained shall be construed to constitute authorization hereunder for the use of the cost-plus-a-percentage-of-cost system of contracting.

(8) Section 305 of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 255).

(9) Section 901(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(a)).

(b) It is directed that each specific use of the waivers of statutes and limitations of authority authorized by this Section shall be made only when determined in writing by the Director that such use is specifically necessary and in furtherance of the purposes of this Order and in the interests of the United States.

SEC. 4. (a) There is hereby established the Sinai Interagency Board, hereinafter referred to as the Board, which shall be composed of the following:

(1) The Secretary of State or his representative.

(2) The Secretary of Defense or his representative.

(3) The Administrator, Agency for International Development or his representative.

(4) The Director of the United States Arms Control and Disarmament Agency or his representative.

(5) The Director of Central Intelligence or his representative.

(6) The Director of the United States Sinai Support Mission or his representative.

(b) The Director of the United States Sinai Support Mission or his representative shall be Chairman of the Board.

(c) The President may from time to time designate others to serve on, or participate in the activities of, the Board. The Board may invite representatives of other departments and agencies to participate in its activities.

(d) The Board shall meet at the call of the Chairman to assist, coordinate, and advise concerning the activities of the United States Sinai Support Mission.

SEC. 5. The Secretary of State shall, pursuant to the provisions of Executive Order No. 10973, as amended, including Part V thereof [set out as a note under section 2381 of this title], and this order, provide from funds made available to the President the funds necessary for the activities of the United States Sinai Support Mission.

SEC. 6. All activities now being undertaken by the Secretary of State to implement the "United States Proposal for the Early Warning System in Sinai" shall be continued until such time as the Mission has become operational and the Director requests the transfer of those activities to the Mission. The Secretary of State may exercise any of the authority or responsibility vested in the Director, by this order, in order to continue the performance of activities related to the Early Warning System until transferred to the Director. All such activities undertaken by the Secretary of State shall be deemed to have been taken by the Director.

GERALD R. FORD.

§ 2442. Allocations of funds

(a) Military assistance

Of the funds appropriated to carry out part II of subchapter II of this chapter during the fiscal year 1975, not to exceed $100,000,000 may be made available for military assistance in the Middle East.

(b) Security supporting assistance

Of the funds appropriated to carry out part IV of subchapter II of this chapter during the fiscal year 1975, not to exceed $652,000,000 may be made available for security supporting assistance in the Middle East.

(c) Foreign military sales credits

Of the aggregate ceiling on credits and guaranties established by section 2771(b) of this title during the fiscal year 1975, not to exceed $330,000,000 shall be available for countries in the Middle East.

(Pub. L. 87-195, pt. VI, § 902, as added Pub. L. 93-559, § 42, Dec. 30, 1974, 88 Stat. 1812.)

§ 2443. Special requirements fund

(a) Authorization of appropriations; Presidential use of funds

There are authorized to be appropriated to the President for the fiscal year 1976 not to exceed $50,000,000 and for the fiscal year 1977 not to exceed $35,000,000 to furnish assistance under subchapter I of this chapter to meet special requirements arising from time to time in carrying out the purposes of this subchapter, in addition to funds otherwise available for such purposes. The funds authorized to be appropriated by this section shall be available for use by the President for assistance authorized by this subchapter in accordance with the provisions applicable to the furnishing of such assistance. Such funds are authorized to remain available until expended.

(b) Presidential report to Speaker of House and Committees of Senate

The President may only obligate or expend, for each foreign country or international organizations,[1] funds authorized under this section—

(1) after he reports to the Speaker of House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate concerning (A) the name of such foreign country or international organizations, (B) the amount of such funds to be made available to such country or organization, and (C) the purpose for which such funds are to be made available to such country or organization; and

(2) unless the Congress, within thirty calendar days after receiving any report under paragraph (1), adopts a concurrent resolution stating in substance that it does not favor the provisions of the report provided by clauses (A), (B), and (C) of paragraph (1).

(c) Funds available for Egypt and Israel in implementing Agreement of October 10, 1975 and for the early warning system in Sinai

Funds appropriated under subsection (a) of this section shall be available to assist the Governments of Egypt and Israel in carrying out activities under the Agreement of October 10, 1975, and to pay the costs of implementing the United States proposal for the early warning system in Sinai. Such funds may be obligated without regard to the provisions of subsection (b) of this section to the extent that the pro-

[1] So in original.

posed obligation has been justified to the Congress prior to June 30, 1976.

(d) Contribution towards deficit for relief of Palestine refugees

Of the amount authorized to be appropriated in subsection (a) of this section for the fiscal years 1976 and 1977, not less than $12,000,000 for each such year shall constitute a contribution by the United States toward the settlement of the deficit of the United Nations Relief and Works Agency for Palestine Refugees in the Middle East, if the President determines that a reasonable number of other countries will contribute a fair share toward the settlement of such deficit within a reasonable period of time after June 30, 1976. In determining such fair share, the President shall take into consideration the economic position of each such country. Such $24,000,000 shall be in addition to any other contribution to such Agency by the United States pursuant to any other provision of law.

(e) Presentation materials submitted to Congress for fiscal year 1977

Funds made available under this section may be obligated without regard to the provisions of subsection (b) of this section for programs contained in the presentation materials submitted to Congress for the fiscal year 1977.

(Pub. L. 87-195, pt. VI, § 903, as added Pub. L. 93-559, § 42, Dec. 30, 1974, 88 Stat. 1812, and amended Pub. L. 94-329, title V, § 502, June 30, 1976, 90 Stat. 763.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See, Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-329, § 502(1), substituted "fiscal year 1976 not to exceed $50,000,000 and for the fiscal year 1977 not to exceed $35,000,000" for "fiscal year 1975 not to exceed $100,000,000".

Subsec. (c). Pub. L. 94-329, § 502(2), substituted provision making funds available to assist Egypt and Israel in carrying out the activities under the Agreement of October 10, 1975, and for implementing the early warning system in the Sinai for provision which authorized funds, as a contribution, to offset the deficit for relief to Palestine refugees.

Subsecs. (d), (e). Pub. L. 94-329 § 502(2), added subsecs. (d) and (e).

CHAPTER 33—MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

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(b) Foreign grants and other assistance not gifts for purposes of section 7342 of title 5.
(c) Regulations.
2459. Immunity from seizure under judicial process of cultural objects imported for temporary exhibition or display.
(a) Agreements; Presidential determination; publication in Federal Register.
(b) Intervention of United States attorney in pending judicial proceedings.
(c) Enforcement of agreements and obligations of carriers under transportation contracts.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2314, 2398, 2502 of this title; title 7 section 1704.

§ 2451. Congressional statement of purpose

The purpose of this chapter is to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations, and the contributions being made toward a peaceful and more fruitful life for people throughout the world; to promote international cooperation for educational and cultural advancement; and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world.

(Pub. L. 87-256, § 101, Sept. 21, 1961, 75 Stat. 527.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, known as the Mutual Educational and Cultural Exchage Act of 1961. For complete classification of this Act to the Code, see Short Title note set out below and Tables volume.

SHORT TITLE

Section 1 of Pub. L. 87-256 provided that Pub. L. 87-256, which enacted this chapter, amended sections 1101, 1182 and 1258 of Title 8, Aliens and Nationality, sections 117, 871, 872, 1441, 3121, 3306, 3401 and 3402 of Title 26, Internal Revenue Code, and section 410 of Title 42, The Public Health and Welfare, repealed sections 1431(2), 1434, 1439, 1440, 1446, 1448, 1466 to 1468 and 1991 to 2001 of this title, sections 222 to 224 of Title 20, Education, and section 1641(b)(2) of Appendix to Title 50, War and National Defense, and enacted provisions set out as notes under this section and under sections 117, 1441, 3121 and 3401 of Title 26, may be cited as the "Mutual Educational and Cultural Exchange Act of 1961."

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATIONS, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ACTIONS

Section 111(b) of Pub. L. 87-256 provided that: "All Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of any provisions of law repealed by subsection (a) of this section [repealing sections 1431(2), 1434, 1439, 1440, 1446, 1448, 1466 to 1468 and 1991 to 2001 of this title, sections 222 to 224 of Title 20, Education, and section 1641(b)(2) of Appendix to Title 50, War and National Defense] shall continue in full force and effect, and shall be applicable to the appropriate provisions of this Act [this chapter] until modified or superseded by appropriate authority."

REFERENCES IN OTHER LAWS TO REPEALED PROVISIONS

Section 111(c) of Pub. L. 87-256 provided that: "Any reference in any other Act to the provisions of law listed in subsection (a) [repealing sections 1431(2), 1434, 1439, 1440, 1446, 1448, 1466 to 1468 and 1991 to 2001 of this title, sections 222 to 224 of Title 20, Education, and section 1641(b)(2) of Appendix to Title 50, War and National Defense] shall hereafter be considered to be references to the appropriate provisions of this Act [this chapter]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2458a of this title.

§ 2451a. Repealed. Pub. L. 91-269, § 7, May 27, 1970, 84 Stat. 272

Section, Pub. L. 89-685, § 8, Oct. 15, 1966, 80 Stat. 974, required registration of international fair, exposition, celebration or other international exhibition with an international organization for participation by the United States, and is now covered by section 2801 et seq. of this title.

§ 2452. Authorization of activities; grants or contracts for educational or cultural exchanges; participation in international fairs and expositions abroad; other exchanges

(a) The President is authorized, when he considers that it would strengthen international cooperative relations, to provide, by grant, contract, or otherwise, for—

(1) educational exchanges, (i) by financing studies, research, instruction, and other educational activities—

(A) of or for American citizens and nationals in foreign countries, and

(B) of or for citizens and nationals of foreign countries in American schools and institutions of learning located in or outside the United States;

and (ii) by financing visits and interchanges between the United States and other countries of students, trainees, teachers, instructors, and professors;

(2) cultural exchanges, by financing—

(i) visits and interchanges between the United States and other countries of leaders, experts in fields of specialized knowledge or skill, and other influential or distinguished persons;

(ii) tours in countries abroad by creative and performing artists and athletes from the United States, individually and in groups, representing any field of the arts, sports, or any other form of cultural attainment;

(iii) United States representation in international artistic, dramatic, musical, sports, and other cultural festivals, competitions, meetings, and like exhibitions and assemblies;

(iv) participation by groups and individuals from other countries in nonprofit activities in the United States similar to those described in subparagraphs (ii) and (iii) of this paragraph, when the President deter-

mines that such participation is in the national interest.

(3) United States participation in international fairs and expositions abroad, including trade and industrial fairs and other public or private demonstrations of United States economic accomplishments and cultural attainments.

(b) In furtherance of the purposes of this chapter, the President is further authorized to provide for—

(1) interchanges between the United States and other countries of handicrafts, scientific, technical, and scholarly books, books of literature, periodicals, and Government publications, and the reproduction and translation of such writings, and the preparation, distribution, and interchange of other educational and research materials, including laboratory and technical equipment for education and research;

(2) establishing and operating in the United States and abroad centers for cultural and technical interchanges to promote better relations and understanding between the United States and other nations through cooperative study, training, and research;

(3) assistance in the establishment, expansion, maintenance, and operation of schools and institutions of learning abroad, founded, operated, or sponsored by citizens or nonprofit institutions of the United States, including such schools and institutions serving as demonstration centers for methods and practices employed in the United States;

(4) fostering and supporting American studies in foreign countries through professorships, lectureships, institutes, seminars, and courses in such subjects as American history, government, economics, language and literature, and other subjects related to American civilization and culture, including financing the attendance at such studies by persons from other countries;

(5) promoting and supporting medical, scientific, cultural, and educational research and development;

(6) promoting modern foreign language training and area studies in United States schools, colleges, and universities by supporting visits and study in foreign countries by teachers and prospective teachers in such schools, colleges, and universities for the purpose of improving their skill in languages and their knowledge of the culture of the people of those countries, and by financing visits by teachers from those countries to the United States for the purpose of participating in foreign language training and area studies in United States schools, colleges, and universities;

(7) United States representation at international nongovernmental educational, scientific, and technical meetings;

(8) participation by groups and individuals from other countries in educational, scientific, and technical meetings held under American auspices in or outside the United States;

(9) encouraging independent research into the problems of educational and cultural exchange; and

(10) promoting studies, research, instruction, and other educational activities of citizens and nationals of foreign countries in American schools, colleges, and universities located in the United States by making available to citizens and nationals of less developed friendly foreign countries for exchange for currencies of their respective countries (other than excess foreign currencies), at United States embassies, United States dollars in such amounts as may be necessary to enable such foreign citizens or nationals who are coming temporarily to the United States as students, trainees, teachers, instructors, or professors to meet expenses of the kind described in section 2454(e)(1) of this title.

(Pub. L. 87-256, § 102, Sept. 21, 1961, 75 Stat. 527; Pub. L. 87-565, pt. IV, § 403, Aug. 1, 1962, 76 Stat. 263; Pub. L. 89-698, title II, § 203(a), Oct. 29, 1966, 80 Stat. 1071.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original this Act, meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables volume.

AMENDMENTS

1966—Subsec. (b). Pub. L. 89-698 added par. (10).

1962—Subsec. (a)(3). Pub. L. 87-565 inserted "abroad" following "expositions".

EFFECTIVE DATE OF 1962 AMENDMENT

Section 403 of Pub. L. 87-565 provided in part that: "The amendment made by this section [to this section] shall not be applicable with respect to any fair or exposition within the United States for which an appropriation has been provided."

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Secretary of State, the Director of the United States Information Agency, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare, see Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, set out as a note under section 2454 of this title.

PERFORMANCE OF FUNCTIONS

Authorization of performance of functions under subsec. (a)(2) and (3) of this section by departments or other executive agencies, see Ex. Ord. No. 11380, § 2, Nov. 8, 1967, 32 F.R. 15627, set out as a note under section 2454 of this title.

STUDY AND REPORT ON WAYS TO REDUCE THE DRAIN FROM DEVELOPING COUNTRIES OF PROFESSIONAL PERSONS AND SKILLED SPECIALISTS

Pub. L. 89-698, title III, § 301, Oct. 29, 1966, 80 Stat. 1072, authorized the Secretary of Health, Education, and Welfare to conduct an investigation to determine the number of individuals from developing countries who enter the United States annually to further their education and fail to return to their homeland and to report to the President and to the Congress findings and conclusions together with recommendations for any legislation deemed necessary to encourage these individuals to return and use their education and training in the service of their homeland.

EXECUTIVE ORDER No. 10716

Ex. Ord. No. 10716, June 18, 1957, 22 F.R. 4345, as amended by Ex. Ord. No. 10912, Jan. 19, 1961, 26 F.R. 509, which related to administration of programs

under this chapter, was superseded by Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, set out as a note under section 2454 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2453, 2454, 2455, 2456, 2458, 2458a of this title.

§ 2453. Agreements with foreign governments and international organizations

(a) Authorization

The President is authorized to enter into agreements with foreign governments and international organizations, in furtherance of the purposes of this chapter. In such agreements the President is authorized, when he deems it in the public interest, to seek the agreement of the other governments concerned to cooperate and assist, including making use of funds placed in special accounts pursuant to agreements concluded in accordance with section 1513(b)(6) of this title, or any similar agreements, in providing for the activities authorized in section 2452 of this title, and particularly those authorized in subsection (a)(1) of said section 2452, with respect to the expenses of international transportation of their own citizens and nationals and of activities in furtherance of the purposes of this chapter carried on within the borders of such other nations.

(b) Creation or continuation of binational or multinational educational and cultural foundations and commissions

Such agreements may also provide for the creation or continuation of binational or multinational educational and cultural foundations and commissions for the purpose of administering programs in furtherance of the purposes of this chapter.

(c) United States participation in programs

In such agreements with international organizations, the President may provide for equitable United States participation in and support for, including a reasonable share of the cost of, educational and cultural programs to be administered by such organizations.

(Pub. L. 87-256, § 103, Sept. 21, 1961, 75 Stat. 529.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original this Act, meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables volume.

Section 1513(b)(6) of this title, referred to in subsec. (a), was repealed by act Aug. 26, 1954, ch. 937, title V, § 542(a), 68 Stat. 861.

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Secretary of State, see Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, set out as a note under section 2454 of this title.

§ 2454. Administration

(a) Delegation of powers; submission of proposal for delegation to Congress

The President may delegate, to such officers of the Government as he determines to be appropriate, any of the powers conferred upon him by this chapter to the extent that he finds such delegation to be in the interest of the purposes expressed in this chapter and the efficient administration of the programs undertaken pursuant to this chapter: *Provided*, That where the President has delegated any of such powers to any officer, before the President implements any proposal for the delegation of any of such powers to another officer, that proposal shall be submitted to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, and thereafter a period of not less than sixty days shall have elapsed while Congress is in session. In computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days.

(b) Employment of personnel

The President is authorized to employ such other personnel as he deems necessary to carry out the provisions and purposes of this chapter, and of such personnel not to exceed ten may be compensated without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, but not in excess of the highest rate of grade 18 of the General Schedule. Such positions shall be in addition to the number authorized by section 5108 of title 5.

(c) Employment or assignment of persons in or to the Foreign Service Reserve or Foreign Service Staff and alien clerks and employees

For the purpose of performing functions under this chapter outside the United States, including participation in binational or multinational foundations or commissions, the Secretary of State may employ or assign or authorize the employment or assignment for the duration of operations under this chapter of persons in or to the Foreign Service Reserve or Foreign Service Staff and alien clerks and employees in accordance with applicable provisions of the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.].

(d) Extension of benefits

For the purpose of performing functions under this chapter outside the United States, the President is authorized to provide that any person employed or assigned by a United States Government agency shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 928 of this title, for persons appointed to the Foreign Service Reserve and, except for policymaking officials, the provisions of section 807 of this title shall apply in the case of such persons.

(e) Grants; use of funds, counseling service; publicity and promotion abroad

(1) In providing for the activities and interchanges authorized by section 2452 of this title, grants may be made to or for individuals, either directly or through foundations or educational or other institutions, which foundations or institutions are public or private nonprofit, and may include funds for tuition and other necessary incidental expenses, for travel expenses

from their places of residence and return for themselves, and, whenever it would further the purposes of this chapter, for the dependent members of their immediate families, for health and accident insurance premiums, emergency medical expenses, costs of preparing and transporting to their former homes the remains of any of such persons who may die while away from their homes as participants or dependents of participants in any program under this chapter, and for per diem in lieu of subsistence at rates prescribed by the President, for all such persons, and for such other expenses as are necessary for the successful accomplishment of the purposes of this chapter.

(2) Funds available for programs under this chapter may be used (i) to provide for orientation courses, language training, or other appropriate services and materials for persons traveling out of the countries of their residence for educational and cultural purposes which further the purposes of this chapter, whether or not they are receiving other financial support from the Government, and (ii) to provide or continue services to increase the effectiveness of such programs following the return of such persons to the countries of their residence.

(3) For the purpose of assisting foreign students in making the best use of their opportunities while attending colleges and universities in the United States, and assisting such students in directing their talents and initiative into channels which will make them more effective leaders upon return to their native lands, the President may make suitable arrangements, by contract or otherwise, for the establishment and maintenance at colleges and universities in the United States attended by foreign students of an adequate counseling service.

(4) The President is authorized to provide for publicity and promotion (including representation) abroad of activities of the type provided for in this chapter.

(f) Investigation of employees

All persons employed or assigned to duties under this chapter shall be investigated with respect to loyalty and suitability in accordance with standards and procedures established by the President.

(g) Currency exchange for foreign students and teachers coming temporarily to the United States

(1) For the purpose of performing functions authorized by section 2452(b)(10) of this title, the President is authorized to establish the exchange rates at which all foreign currencies may be acquired through operations under such section, and shall issue regulations binding upon all embassies with respect to the exchange rates to be applicable in each of the respective countries where currency exchanges are authorized under such section.

(2) In performing the functions authorized under section 2452(b)(10) of this title, the President shall make suitable arrangements for protecting the interests of the United States Government in connection with the ownership, use, and disposition of all foreign currencies acquired pursuant to exchanges made under such section.

(3) The total amount of United States dollars acquired by any individual through currency exchanges under the authority of section 2452(b)(10) of this title shall in no event exceed $3,000 during any academic year.

(4) An individual shall be eligible to exchange foreign currency for United States dollars at United States embassies under section 2452(b)(10) of this title only if he gives satisfactory assurances that (A) he will devote essentially full time to his proposed educational activity in the United States and will maintain good standing in relation to such program; (B) he will return to the country of his citizenship or nationality prior to coming to the United States and will render such public service as is determined acceptable for a period of time determined reasonable and necessary by the government of such country; and (C) he will not apply for an immigrant visa or for permanent residence or for a nonimmigrant visa under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] after having received any benefits under such section for a period of time equal to the period of study, research, instruction, or other educational activity he performed pursuant to such section.

(5) As used in section 2452(b)(10) of this title, the term "excess foreign currencies" means foreign currencies, which if acquired by the United States (A) would be in excess of the normal requirements of departments, agencies, and embassies of the United States for such currencies, as determined by the President, and (B) would be available for the use of the United States Government under applicable agreements with the foreign country concerned.

(Pub. L. 87-256, § 104, Sept. 21, 1961, 75 Stat. 529; Pub. L. 87-793, § 1001(j), Oct. 11, 1962, 76 Stat. 865; Pub. L. 89-698, title II, § 203(b), Oct. 29, 1966, 80 Stat. 1071.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) to (f), was in the original this Act, meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables volume. Grade 18 of the General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5, Government Organization and Employees.

The Foreign Service Act of 1946, as amended, referred to in subsec. (c), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

The Immigration and Nationality Act, referred to in subsec. (g)(4), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 (§ 1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables volume.

CODIFICATION

In subsec. (b), "chapter 51 and subchapter III of chapter 53 of title 5" and "section 5108 of title 5" were substituted for "the Classification Act of 1949, as amended" and "section 505 of the Classification Act of 1949, as amended", respectively, on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees. In the original, section 1105 of title 5 read section 505 of the Classification Act of 1949, as amended.

AMENDMENTS

1966—Subsec. (g). Pub. L. 89-698 added subsec. (g).

1962—Subsec. (b). Pub. L. 87-793 substituted "but not in excess of the highest rate of grade 18 of the General Schedule for "and of these not to exceed five may be compensated at a rate in excess of the highest rate provided for grades of the general schedule established by the Classification Act of 1949, as amended, but not in excess of $1,000 per annum more than such highest rate".

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-793 effective on the first day of the first pay period which begins on or after Oct. 11, 1962, see section 1008 of Pub. L. 87-793.

EX. ORD. NO. 11034. ADMINISTRATION OF PROGRAMS

Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, as amended by Ex. Ord. No. 11380, Nov. 8, 1967, 32 F.R. 15627, provided:

By virtue of the authority vested in me by the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256; 75 Stat. 527; hereinafter referred to as the Act) [this chapter] and as President of the United States, I find that the delegations set forth in this order are in the interest of the purposes expressed in the said Act and the efficient administration of the programs undertaken pursuant to that Act and determine that the delegates specified in the order are appropriate and I hereby order as follows:

SECTION 1. *Department of State.* (a) The following functions conferred upon the President by the Act are hereby delegated to the Secretary of State:

(1) The functions so conferred by Sections 102(a)(1), 102(a)(2)(i), (ii), and (iv), 102(b)(3), (5) and (9), 103, 104(e)(3), and 105(d)(1) and (e) of the Act [sections 2452(a)(1), (2)(i), (ii), (iv), (b)(3), (5), (9), 2453, subsec. (e)(3) of this section, and 2455(d)(1), (e) of this title].

(2) The functions so conferred by Sections 102(a)(2)(iii) and (b)(1), (2), (4), (7) and (8) of the Act (the provisions of Section 2(a) of this order notwithstanding) [section 2452(a)(2)(iii), (b)(1), (2), (4), (7), (8) of this title].

(3) The functions so conferred by Section 102(a)(3) of the Act [section 2452(a)(3) of this title] to the extent that they pertain to liquidation of affairs respecting the Universal and International Exhibition of Brussels, 1958.

(4) The functions so conferred by Sections 104(d) and (e)(4) and 108(c) and (d) of the Act [subsecs. (d), (e)(4) of this section and section 2458(c), (d) of this title] to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

(5) The function so conferred by Section 104(e)(1) of the Act [subsec. (e)(1) of this section] of prescribing rates for per diem in lieu of subsistence; but in carrying out the said function as it relates to functions herein delegated to the Director of the United States Information Agency or the Secretary of Health, Education, and Welfare, the Secretary of State shall consult with them.

(b) The Secretary of State, in collaboration with the Director of the United States Information Agency, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare with respect to the functions delegated by Sections 2, 3, and 4, respectively, of this order, shall prepare and transmit to the President the reports which the President is required to submit to the Congress by Section 108(b) of the Act [section 2458(b) of this title], excluding, however, the reports for which the Director of the United States Information Agency is responsible under section 2(b) of this order.

(c) With respect to the carrying out of functions under Section 102(a)(2)(ii) of the Act [section 2452(a)(2)(ii) of this title] hereinabove delegated to the Secretary of State, the Director of the United States Information Agency shall participate in the planning of cultural and other attractions. Such participation shall include consultation in connection with (1) the selection and scheduling of such attractions, and (2) the designation of the areas where the attractions will be presented.

SEC. 2. *United States Information Agency.* (a) Subject to the provisions of Section 6 of this order, the following functions conferred upon the President by the Act are hereby delegated to the Director of the United States Information Agency:

(1) The functions so conferred by Sections 102(a)(2)(iii) and (b)(1) [section 2452(a)(2)(iii), (b)(1) of this title]; Section 102(b)(2) [section 2452(b)(2) of this title] to the extent that it authorizes the type of centers now supported by the United States Information Agency abroad and designated as binational, community, or student centers; section 102(b)(4) [section 2452(b)(4) of this title] exclusive of professorships and lectureships; and Sections 102(b)(7) and (8) of the Act [section 2452(b)(7), (8) of this title]; all of the foregoing notwithstanding the provisions of Section 1(a)(2) of this order.

(2) The functions so conferred by Section 104(e)(4) of the Act [subsec. (e)(4) of this section] (the provisions of Sections 1(a)(4) and 3(b) of this order notwithstanding).

(3) The functions so conferred by Section 102(a)(3) of the Act [section 2452(a)(3) of this title] to the extent that they are in respect of fairs, expositions, and demonstrations held outside of the United States, but exclusive of the functions delegated by the provisions of Section 1(a)(3) of this order.

(4) The functions so conferred by Sections 104(d) and 108(c) and (d) of the Act [subsec. (d) of this section and section 2458(c), (d) of this title] to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

(b) The Director of the United States Information Agency shall prepare and transmit to the President the reports which the President is required to submit to the Congress by section 108(b) of the Act [section 2458(b) of this title] to the extent that they are with respect to activities carried out by the United States Information Agency pursuant to section 102(a)(2)(iii) and section 102(a)(3) of the Act [section 2452(a)(2)(iii) and (a)(3) of this title].

(c) The functions so conferred by Section 102(a)(3) of the Act [section 2452(a)(3) of this title] to the extent that they are in respect of fairs, expositions, and demonstrations held outside of the United States, but exclusive of the functions delegated by the provisions of Section 1(a)(3) of this order.

(d) The functions so conferred by Sections 104(d) and 108(c) and (d) of the Act [subsec. (d) of this section and section 2458(c), (d) of this title] to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

SEC. 3. *Department of Commerce.* Subject to the provisions of Section 6 of this order, the following functions conferred upon the President by the Act are hereby delegated to the Secretary of Commerce:

(a) The functions so conferred by Section 102(a)(3) of the Act [section 2452(a)(3) of this title] to the extent that they are in respect of fairs, expositions, and demonstrations held in the United States.

(b) The functions so conferred by Sections 104(e)(4) and 108(c) of the act [subsec. (e)(4) of this section and section 2458(c) of this title] to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

SEC. 4 *Department of Health, Education, and Welfare.* Subject to the provisions of Section 6 of this order, the functions conferred upon the President by Section 102(b)(6) of the Act [section 2452(b)(6) of this title] are hereby delegated to the Secretary of Health, Education, and Welfare.

SEC. 5. *Certain incidental matters.* (a) In respect of functions hereinabove delegated to them, there is hereby delegated to the Secretary of State, the Director of the United States Information Agency, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare, respectively:

(1) The authority conferred upon the President by Sections 105(d)(2) and (f) and 106(d) and (f) of the Act [sections 2455(d)(2), (f) and 2456(d), (f) of this title].

(2) Subject to the provisions of Section 5(b) and (c) of this order, the authority conferred upon the President by Section 104(b) of the Act [subsec. (b) of this section] to employ personnel.

(b) The employment, by any department or other executive agency under Section 5(a)(2) of this order, of any of the not to exceed ten persons who may be compensated with regard to the Classification Act of 1949 [now covered by chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees] under Section 104(b) of the Act [subsec. (b) of this section] shall require prior authorization by the Secretary of State concurred in by the Director of the Bureau of the Budget.

(c) Persons employed or assigned by a department or other executive agency for the purpose of performing functions under the Act outside the United States shall be entitled, except in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by Section 528 of the Foreign Service Act of 1946, as amended (22 U.S.C. 928), for persons appointed to the Foreign Service Reserve. In cases in which the period of employment or assignment exceeds thirty months, persons so employed or assigned shall be entitled to such benefits if agreed by the agency in which such benefits may be exercised.

(d) Pursuant to Section 104(f) of the Act [subsec. (f) of this section], Executive Order No. 10450 of April 27, 1953 (18 F.R. 2489) [set out as a note under section 7311 of Title 5, Government Organization and Employees] is hereby established as the standards and procedures for the employment or assignment to duties of persons under the Act.

(e) Any officer to whom functions vested in the President by the Act are hereinabove delegated may (1) allocate to any other officer of the executive branch of the Government any funds appropriated or otherwise made available for the functions so delegated to him as he may deem appropriate for the best carrying out of the functions and (2) make available, for use in connection with any funds so allocated by him, any authority he has under this order.

SEC. 6. *Policy guidance.* In order to assure appropriate coordination of programs, and taking into account the statutory functions of the departments and other executive agencies concerned, the Secretary of State shall exercise primary responsibility for Government-wide leadership and policy guidance with regard to international educational and cultural affairs.

SEC. 7. *Functions reserved to the President.* (a) There are hereby excluded from the functions delegated by the provisions of this order the functions conferred upon the President with respect to (1) the delegation of powers under Section 104(a) of the Act [subsec. (a) of this section], (2) the establishment of standards and procedures for the investigation of personnel under Section 104(f) of the Act [subsec. (f) of this section], (3) the transfer of appropriations under Section 105(c) of the Act [section 2455(c) of this title], (4) the appointment of members of the Board of Foreign Scholarships under Section 106(a)(1) of the Act [section 2456(a)(1) of this title], (5) the appointment of members, the designation of a chairman, and the receipt of recommendations of the United States Advisory Commission on International Educational and Cultural Affairs under Section 106(b) of the Act [section 2456(b) of this title], (6) the waiver of provisions of law or limitations of authority under Section 108(a) of the Act [section 2458(a) of this title], and (7) the submission of annual reports to the Congress under Section 108(b) of the Act [section 2458(b) of this title].

(b) Notwithstanding the delegations made by this order, the President may in his discretion exercise any function comprehended by such delegations.

SEC. 8. *Waivers.* (a) It is hereby determined that the performance by any department or other executive agency of functions authorized by Sections 102(a)(2) and 102(a)(3) of the Act (22 U.S.C. 2452(a)(2) and (3)) without regard to prohibitions and limitations of authority contained in the following-specified provisions of law is in furtherance of the purposes of the Act:

(1) Section 15 of the Administrative Expenses Act of 1946 (c. 744, August 2, 1946; 60 Stat. 810), as amended (5 U.S.C. 55a) [now covered by section 3109(b) of Title 5, Government Organization and Employees] (experts and consultants; but the compensation paid individuals in pursuance of this paragraph shall not exceed the rate of $100.00 per diem.

(2) Section 16(a) of the Administrative Expenses Act of 1946 (c. 744, August 2, 1946; 60 Stat. 810; 5 U.S.C. 78) [now covered by section 638a of Title 31, Money and Finance] to the extent that it pertains to hiring automobiles and aircraft.

(3) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) (advance of funds).

(4) Section 322 of the Act of June 30, 1932, c. 314, 47 Stat. 412 (40 U.S.C. 278a) (maximum charges).

(5) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) (competitive bids).

(6) Section 3710 of the Revised Statutes (41 U.S.C. 8) (opening of bids).

(7) Section 2 of the Act of March 3, 1933, c. 212, 47 Stat. 1520 (41 U.S.C. 10a) (Buy American Act).

(8) Section 3735 of the Revised Statutes (41 U.S.C. 13) (contracts limited to one year).

(9) Sections 302-305 of the Federal Property and Administrative Services Act of 1949 (June 30, 1949, c. 288, 63 Stat. 393 et seq.), as amended (41 U.S.C. 252-255) (competitive bids; negotiated contracts; advances).

(10) Section 87 of the Act of January 12, 1895, c. 23, 28 Stat. 622, and the second proviso of Section 11 of the Act of March 1, 1919, c. 86, 40 Stat. 1270, as amended (44 U.S.C. 111) [now covered by section 501 of Title 44, Public Printing and Documents] to the extent that they pertain to printing by the Government Printing Office.

(11) Section 1 of the Act of June 20, 1978, c. 359, 20 Stat. 216, as amended (44 U.S.C. 322) [now covered by section 3703 of Title 44] (advertising).

(12) Section 3828 of the Revised Statutes (44 U.S.C. 324) [now covered by section 3702 of Title 44] (advertising).

(13) Section 901(a) of the Merchant Marine Act, 1936 (June 29, 1936, c. 858, 49 Stat. 2015, as amended; 46 U.S.C. 1241(a)) (official travel overseas of United States officers and employees, and transportation of their personal effects, on ships registered under the laws of the United States).

(14) Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit construction of buildings by the United States on property not owned by it.

(15) Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit (i) receipt of admission fees or payments under contracts through advances or otherwise, for concessions, services, space, or other consideration, and the credit of such receipts to the applicable appropriation, and (ii) rental or lease for periods not exceeding ten years of buildings and grounds.

(b) It is directed (1) that all waivers of statutes and limitations of authority effected by the foregoing provisions of this section shall be utilized in a prudent manner and as sparingly as may be practical, and (2) that suitable steps shall be taken by the administrative agencies concerned to insure that result, including, as may be appropriate, the imposition of administrative limitations in lieu of waived statutory requirements and limitations of authority.

SEC. 9. *Definition.* As used in this order, the word "function" or "functions" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

SEC. 10. *References to orders and acts.* Except as may for any reason be inappropriate:

(a) References in this order to the Act or any provision of the Act shall be deemed to include references thereto as amended from time to time.

(b) References in this order to any prior Executive order not superseded by this order shall be deemed to include references thereto as amended from time to time.

(c) References in this order to this order shall be deemed to include references thereto as amended from time to time.

SEC. 11. *Prior directives and actions.* (a) This order supersedes Executive Order No. 10716 of June 17, 1957, and Executive Order No. 10912 of January 18, 1961. Except to the extent that they may be inconsistent with law or with this order, other directives, regulations, and actions relating to the functions delegated by this order and in force immediately prior to the issuance of this order shall remain in effect until amended, modified, or revoked by appropriate authority.

(b) This order shall neither limit nor be limited by Executive Order No. 11014 of April 17, 1962 [set out as a note under this section].

(c) To the extent not heretofore superseded, there are hereby superseded the provisions of the letters of the President to the Director of the United States Information Agency dated August 16, 1955, and August 21, 1956 (22 F.R. 101-103).

SEC. 12. *Effective date.* The provisions of this order shall be effective immediately.

JOHN F. KENNEDY.

EX. ORD. NO. 11380. AMENDING PRIOR EXECUTIVE ORDERS RELATING TO MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE AND TO ALLOWANCES AND BENEFITS FOR GOVERNMENT PERSONNEL ON OVERSEAS DUTY

Ex. Ord. No. 11380, Nov. 8, 1967, 32 F.R. 15627, provided:

By virtue of the authority vested in me by the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527; 22 U.S.C. 2451 et seq.) and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

PART I—MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE

SECTION 101. Executive Order No. 11034 of June 25, 1962 [set out as a note above], is hereby amended as follows:

(1) By changing the period at the end of section 1(b) to a comma and by inserting after that comma the following: "excluding, however, the reports for which the Director of the United States Information Agency is responsible under section 2(b) of this order.".

(2) By substituting for the paragraph designations (a), (b), (c), and (d) in section 2 new paragraph designations (1), (2), (3), and (4), respectively; by inserting the subsection designation (a) after the catchline of section 2; and by adding a new subsection (b) of section 2, reading as follows:

(b) The Director of the United States Information Agency shall prepare and transmit to the President the reports which the President is required to submit to the Congress by section 108(b) of the Act [section 2458(b) of this title] to the extent that they are with respect to activities carried out by the United States Information Agency pursuant to section 102(a)(2)(iii) and section 102(a)(3) of the Act [section 2452(a)(2)(iii) and (a)(3) of this title].

(3) By adding a new paragraph at the end of section 8(a), reading as follows:

"(15) Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit (i) receipt of admission fees or payments under contracts through advances or otherwise, for concessions, services, space, or other consideration, and the credit of such receipts to the applicable appropriation, and (ii) rental or lease for periods not exceeding ten years of buildings and grounds."

(4) By adding a new paragraph at the end of section 10, reading as follows:

"(c) References in this order to this order shall be deemed to include references thereto as amended from time to time."

SEC. 2. It is hereby determined that the performance by any department or other executive agency of functions authorized by sections 102(a)(2) and 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(a)(2) and (3)) without regard to the provisions and limitations referred to in section (8)(a)(15) of Executive Order No. 11034 of June 25, 1962 (to the extent set forth in the latter section) is in furtherance of the purposes of that Act.

PART II—APPROVAL OF CERTAIN REGULATIONS RELATING TO LIVING QUARTERS

SEC. 201. Executive Order No. 10903 of January 9, 1961, as amended [set out as a note under section 5921 of Title 5, Government Organization and Employees], is hereby further amended by inserting at the end of section 1 thereof a new paragraph (g), reading as follows:

"(g) The authority vested in the President by section 5912 of title 5 of the United States Code to approve regulations prescribed by heads of agencies (under which employees who are citizens of the United States permanently stationed in foreign countries may be furnished, without cost to them, living quarters, including heat, fuel, and light, in government-owned or rented buildings)."

LYNDON B. JOHNSON.

EX. ORD. NO. 11770. DELEGATION OF FUNCTIONS RESPECTING INTERNATIONAL SYMPOSIUM ON GEOTHERMAL ENERGY—1975

Ex. Ord. No. 11770, Feb. 21, 1974, 39 F.R. 7127, provided:

By virtue of the authority vested in me by section 104 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2454; hereinafter referred to as the act), and section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of the Interior is authorized, with respect to the International Symposium on Geothermal Energy to be held in San Francisco, California, in May 1975, to perform the functions conferred by section 102(b)(5), (7), and (8) of the act [section 2452(b)(5), (7) and (8) of this title].

SEC. 2. I find that the delegation made by section 1 of this order is in the interest of the purposes expressed in the act and the efficient administration of the International Symposium on Geothermal Energy.

SEC. 3. The delegation made by this order shall become effective upon the expiration of sixty days while the Congress is in session. In computing that sixty days, there shall be excluded days on which either House is not in session because of an adjournment of more than three days.

RICHARD NIXON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2452 of this title.

§ 2455. Appropriations

(a) Authorization; contracts creating obligations in advance of appropriations

Appropriations to carry out the purposes of this chapter, to remain available until expended, are authorized, and this authorization includes the authority to grant, in any appropriation Act, the authority to enter into contracts, within the amounts so authorized, creating obligations in advance of appropriations.

(b) Acquisition of foreign currencies

Funds appropriated for programs under this chapter may, without regard to section 543 of title 31, be used for the acquisition from any source of foreign currencies in such amounts as may be necessary for current expenditures and

for grants, including grants to foundations and commissions in accordance with international agreements providing for the accomplishment of the purposes of this chapter.

(c) Transfer of funds

Moneys appropriated to any department or agency of the Government in furtherance of the purposes of this chapter for research, technical aid, and educational and cultural programs, may be transferred by the President to any other appropriation available for like purposes, but no appropriation authorized by this chapter shall be increased or decreased by more than 10 per centum by reason of transfers pursuant to this subsection.

(d) Reserve and use of certain funds

The President is authorized—

(1) to reserve in such amounts and for such periods as he shall determine to be necessary to provide for the programs authorized by subsections (a)(1), (2)(i) of section 2452 of this title, and

(2) notwithstanding the provisions of any other law, to use in such amounts as may from time to time be specified in appropriation Acts, to the extent that such use is not restricted by agreement with the foreign nations concerned, for any programs authorized by this chapter,

any currencies of foreign nations received or to be received by the United States or any agency thereof—

(i) under agreements disposing of surplus property or settling lend-lease and other war accounts concluded after World War II;

(ii) as the proceeds of sales or loan repayments, including interest, for transactions heretofore or hereafter effected under the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.];

(iii) in repayment of principal or interest on any other credit extended or loan heretofore or hereafter made by the United States or any agency thereof; or

(iv) as deposits to the account of the United States pursuant to section 1513(b)(6) or section 1513(h) of this title, or any similar provision of any other law.

(e) Reservation and use of sums due or paid by the Republic of Finland

The President is further authorized to reserve and use for educational and cultural exchange programs and other activities authorized in subsections (a) and (b) of section 2452 of this title, in relation to Finland and the people of Finland, all sums due or paid on and after August 24, 1949, by the Republic of Finland to the United States as interest on or in retirement of the principal of the debt incurred under the Act of February 25, 1919, as refunded by the agreement dated May 1, 1923, pursuant to the authority contained in the Act of February 9, 1922, or of any other indebtedness incurred by that Republic and owing to the United States as a result of World War I.

(f) Contribution of funds, property, and services by foreign governments, international organizations, and private individuals, firms, associations, and agencies

Foreign governments, international organizations and private individuals, firms, associations, agencies, and other groups shall be encouraged to participate to the maximum extent feasible in carrying out this chapter and to make contributions of funds, property, and services which the President is authorized to accept, to be utilized to carry out the purposes of this chapter. Funds made available for the purposes of this chapter may be used to contribute toward meeting the expenses of activities carried out through normal private channels, by private means, and through foreign governments and international organizations.

(g) Currency exchanges

Notwithstanding any other provision of this chapter, there are authorized to be appropriated for the purposes of making currency exchanges under section 2452(b)(10) of this title, not to exceed $10,000,000 for the fiscal year ending June 30, 1968, and not to exceed $15,000,000 for the fiscal year ending June 30, 1969.

(Pub. L. 87-256, § 105, Sept. 21, 1961, 75 Stat. 531; Pub. L. 89-698, title II, § 203(c), Oct. 29, 1966, 80 Stat. 1072.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) to (d), (f), and (g), was in the original this Act, meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables volume.

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsec. (d)(2)(ii), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified principally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables volume.

Sections 1513(b)(6) and 1513(h) of this title, referred to in subsec. (d)(2)(iv), were repealed by act Aug. 26, 1954, ch. 937, title V, § 542(a), 68 Stat. 861.

The acts of February 25, 1919, and February 9, 1922, referred to in subsec. (e), are not classified to the Code.

AMENDMENTS

1966—Subsec. (g). Pub. L. 89-698 added subsec. (g).

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Secretary of State, the Director of the United States Information Agency, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare, see Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, set out as a note under section 2454 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2362 of this title.

§ 2456. Board of Foreign Scholarships

(a) Appointment; members; considerations for selection

(1) For the purpose of selecting students, scholars, teachers, trainees, and other persons to participate in the programs authorized under section 2452(a)(1) of this title, and of supervising such programs and the programs authorized under section 2452(b)(4) and (6) of this title, there is continued the authority of the President to appoint a Board of Foreign Scholarships (hereinafter referred to as the "Board") consisting of twelve members. In connection with appointments to such Board, due consideration shall be given to the selection of distinguished representatives of cultural, educational, student advisory, and war veterans groups, and representatives of the United States Office of Education, the United States Veterans' Administration, public and private nonprofit educational institutions.

(2) In the selection of American citizens for participation in programs under this chapter, preference shall be given to those who have served in the Armed Forces of the United States, and due consideration shall be given to applicants from all geographical areas of the United States.

(b) United States Advisory Commission on International Educational and Cultural Affairs; recommendations; report to Congress; appointment and term of members; Chairman; rules and regulations

(1) The United States Advisory Commission on International Educational and Cultural Affairs (hereinafter referred to as the "Commission") is established to replace the United States Advisory Commission on Educational Exchange. The Commission shall formulate and recommend to the President policies for exercising his authority under this chapter and shall appraise the effectiveness of programs carried out pursuant to it. The Commission shall make a special study of the effectiveness of past programs with emphasis on the activities of a reasonably representative cross section of past recipients of aid and shall submit a report to the Congress not later than December 31, 1962.

(2) The Commission shall consist of nine members, who shall be appointed by the President, by and with the advice and consent of the Senate. Members of the Commission shall be appointed on a nonpartisan basis.

(3) The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, cultural, scientific, technical, and public service backgrounds.

(4) The term of each member shall be three years except that, of the first nine appointments, three shall be for a term of one year and three shall be for a term of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term. Upon the expiration of his term of office any member may continue to serve until his successor is appointed and has qualified.

(5) The President shall designate a Chairman from among members of the Commission.

(6) The Commission is authorized to adopt such rules and regulations as it may deem necessary to carry out the authority conferred upon it by this chapter.

(c) Advisory Committee on the Arts; continuation; appointment and term of members; qualifications; activities

(1) There is continued the Advisory Committee on the Arts (hereinafter referred to as the "Committee") created under section 1999 of this title, consisting of a Chairman and nine other members of whom at least one shall be a member of the Commission. Appointment of all members and selection of the Chairman of this Committee shall on and after September 21, 1961 be made by the Secretary of State. In making such appointments due consideration shall be given to the recommendations for nomination submitted by leading national organizations in the major art fields.

(2) The members of the Committee shall be individuals whose knowledge of or experience in, or whose profound interest in, one or more of the arts will enable them to assist the Commission, the President, and other officers of the Government in performing the functions described in paragraph (3) of this subsection.

(3) The Committee shall, in connection with activities authorized under subsection 2452(a)(2) of this title—

(A) advise and assist the Commission in the discharge of its responsibilities in the field of international educational exchange and cultural presentations with special reference to the role of the arts in such fields;

(B) advise other interested officers of the Government in the discharge of their responsibilities in connection with such activities concerned with the arts;

(C) provide such other advice and assistance as may be necessary or appropriate.

(4) The term of office of each of the members of the Committee shall be three years.

(d) Creation of interagency and other advisory committees; conferences of persons

The President is authorized to create such interagency and other advisory committees as in his judgment may be of assistance in carrying out the purposes of this chapter, and from time to time to convene conferences of persons interested in educational and cultural affairs to consider matters relating to the purposes of this chapter.

(e) Availability of appropriations for expenses; transportation expenses and per diem; compensation of members of Board, Commission, and Committees

The provisions of section 691 of title 31 shall be applicable to any interagency committee created pursuant to the provisions of this chapter. Members of the Board, the Commission, the Committee, and other committees provided for in this section shall be entitled (i) to transportation expenses and per diem in lieu of subsistence at the rate prescribed by or established pursuant to section 5703 of title 5 while away from home in connection with attendance at meetings or in consultation with officials of the Government or otherwise carrying out duties as

authorized, and (ii) if not otherwise in the employ of the United States Government, to compensation at rates not in excess of $50 per diem while performing services for such Board, Commission, Committee, or other committee.

(f) Secretarial and staff assistance

The President is authorized to provide for necessary secretarial and staff assistance for the Board, the Commission, the Committee, and such other committees as may be created under this section.

(Pub. L. 87-256, § 106, Sept. 21, 1961, 75 Stat. 532.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b), (d), and (e), was in the original this Act, meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables volume.

Section 1999 of this title, referred to in subsec. (c)(1), was repealed by section 111(a)(3) of Pub. L. 87-256.

CODIFICATION

In subsec. (e), "section 5703 of title 5" was substituted for "section 5 of the Administrative Expense Act of 1946, as amended (5 U.S.C. 73b-2)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Secretary of State, the Director of the United States Information Agency, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare, see Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, set out as a note under section 2454 of this title.

TERMINATION OF ADVISORY COMMITTEES AND COMMISSIONS

Advisory Commissions or Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a commission or committee established by the President or an officer of the Federal Government, such commission or committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a commission or committee established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2457. Reports by Board, Commission, and Committee

The Board, the Commission, and the Committee shall submit annual reports to the Congress and such other reports to the Congress as they deem appropriate, and shall make reports to the public in the United States and abroad to develop a better understanding of and support for the programs authorized by this chapter.

(Pub. L. 87-256, § 107, Sept. 21, 1961, 75 Stat. 534.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables volume.

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§ 2458. Authority of President

(a) Performance of certain functions without regard to other laws

Whenever the President determines it to be in furtherance of this chapter, the functions authorized in section 2452(a)(2) and (3) of this title may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify.

(b) Annual reports of activities and expenditures; contents

The President shall submit annual reports to the Congress of activities carried on and expenditures made in furtherance of the purposes of this chapter. Each such report shall include the texts of agreements made with other nations during the period covered by the report, a full description of the program and the funds expended with respect to each country in which activities have been carried on in furtherance of the purposes of this chapter.

(c) Expenditures in selection, purchase, rental, construction, or other acquisition of exhibits and materials and equipment therefor

In connection with activities authorized by section 2452(a)(2) and (3) of this title, the President is authorized to provide for all necessary expenditures involved in the selection, purchase, rental, construction, or other acquisition of exhibits and materials and equipment therefor, and the actual display thereof, including but not limited to costs of transportation, insurance, installation, safekeeping and storage, maintenance and operation, rental of space, and dismantling.

(d) Utilization of provisions of other laws

The President is authorized to utilize the provisions of title VIII of the United States Information and Educational Exchange Act of 1948, as amended [22 U.S.C. 1471 et seq.], to the extent he deems necessary in carrying out the provisions and purposes of this chapter.

(Pub. L. 87-256, § 108, Sept. 21, 1961, 75 Stat. 534.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b), and (d), was in the original this Act, meaning Pub. L. 87-256,

Sept. 21, 1961, 75 Stat. 527, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables volume.

The United States Information and Educational Exchange Act of 1948, as amended, referred to in subsec. (d), is act Jan. 27, 1948, ch. 36, 62 Stat. 6, as amended. Title VIII of the Act is classified generally to subchapter VII (§ 1471 et seq.) of chapter 18 of this title. For complete classification of this Act to the Code see Short Title note set out under section 1431 of this title and Tables volume.

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Secretary of State, the Director of the United States Information Agency, and the Secretary of Commerce, see Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, set out as a note under section 2454 of this title.

§ 2458a. Federal employee participation in cultural exchange programs

(a) Grants and other foreign government assistance; family or household expense assistance prohibited; "Federal employee" defined

(1) Congress consents to the acceptance by a Federal employee of grants and other forms of assistance provided by a foreign government to facilitate the participation of such Federal employee in a cultural exchange—

(A) which is of the type described in section 2452(a)(2)(i) of this title,

(B) which is conducted for a purpose comparable to the purpose stated in section 2451 of this title, and

(C) which is specifically approved by the Secretary of State for purposes of this section;

but the Congress does not consent to the acceptance by any Federal employee of any portion of any such grant or other form of assistance which provides assistance with respect to any expenses incurred by or for any member of the family or household of such Federal employee.

(2) For purposes of this section, the term "Federal employee" means any employee as defined in subparagraphs (A) through (E) of section 7342(a)(1) of title 5, but does not include a person described in subparagraph (F) of such section.

(b) Foreign grants and other assistance not gifts for purposes of section 7342 of title 5

The grants and other forms of assistance with respect to which the consent of Congress is given in subsection (a) of this section shall not constitute gifts for purposes of section 7342 of title 5.

(c) Regulations

The Secretary of State is authorized to promulgate regulations for purposes of this section.

(Pub. L. 87-256, § 108A, as added Pub. L. 94-350, title I, § 111, July 12, 1976, 90 Stat. 825.)

§ 2459. Immunity from seizure under judicial process of cultural objects imported for temporary exhibition or display

(a) Agreements; Presidential determination; publication in Federal Register

Whenever any work of art or other object of cultural significance is imported into the United States from any foreign country, pursuant to an agreement entered into between the foreign owner or custodian thereof and the United States or one or more cultural or educational institutions within the United States providing for the temporary exhibition or display thereof within the United States at any cultural exhibition, assembly, activity, or festival administered, operated, or sponsored, without profit, by any such cultural or educational institution, no court of the United States, any State, the District of Columbia, or any territory or possession of the United States may issue or enforce any judicial process, or enter any judgment, decree, or order, for the purpose or having the effect of depriving such institution, or any carrier engaged in transporting such work or object within the United States, of custody or control of such object if before the importation of such object the President or his designee has determined that such object is of cultural significance and that the temporary exhibition or display thereof within the United States is in the national interest, and a notice to that effect has been published in the Federal Register.

(b) Intervention of United States attorney in pending judicial proceedings

If in any judicial proceeding in any such court any such process, judgment, decree, or order is sought, issued, or entered, the United States attorney for the judicial district within which such proceeding is pending shall be entitled as of right to intervene as a party to that proceeding, and upon request made by either the institution adversely affected, or upon direction by the Attorney General if the United States is adversely affected, shall apply to such court for the denial, quashing, or vacating thereof.

(c) Enforcement of agreements and obligations of carriers under transportation contracts

Nothing contained in this section shall preclude (1) any judicial action for or in aid of the enforcement of the terms of any such agreement or the enforcement of the obligation of any carrier under any contract for the transportation of any such object of cultural significance; or (2) the institution or prosecution by or on behalf of any such institution or the United States of any action for or in aid of the fulfillment of any obligation assumed by such institution or the United States pursuant to any such agreement.

(Pub. L. 89-259, Oct. 19, 1965, 79 Stat. 985.)

CODIFICATION

Section was not enacted as a part of the Mutual Educational and Cultural Exchange Act of 1961, which comprises this chapter.

EX. ORD. NO. 11312. DELEGATION OF FUNCTIONS TO SECRETARY OF STATE

Ex. Ord. No. 11312, Oct. 14, 1966, 31 F.R. 13415, provided:

By virtue of the authority vested in me by the Act of October 19, 1965, 79 Stat. 985 [this section], entitled "An Act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes," and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of State is hereby designated and empowered to perform the functions conferred upon the President by the above-mentioned Act and shall be deemed to be authorized, without the approval, ratification, or other action of the President, (1) to determine that any work of art or other object to be imported into the United States within the meaning of the Act is of cultural significance, (2) to determine that the temporary exhibition or display of any such work of art or other object in the United States is in the national interest, and (3) to cause public notices of the determinations referred to above to be published in the Federal Register.

SEC. 2. The Secretary of State, in carrying out this order, may consult with the Secretary of the Smithsonian Institution and with such other officers and such agencies of the Government as may be appropriate.

SEC. 3. The Secretary of State is hereby authorized to delegate within the Department of State the functions conferred upon him by this order.

LYNDON B. JOHNSON.

CHAPTER 34—THE PEACE CORPS

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This chapter is referred to in section 2398 of this title; title 5 section 8332; title 7 section 1736; title 20 sections 425, 1077, 1078; title 26 sections 912, 3121, 3122, 6051; title 42 sections 294d, 294n, 297b, 405, 409, 410.

§ 2501. Congressional declaration of purpose

The Congress of the United States declares that it is the policy of the United States and the purpose of this chapter to promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower, and to help promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people.

(Pub. L. 87-293, title I, § 2, Sept. 22, 1961, 75 Stat. 612.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out below and Tables volume.

EFFECTIVE DATE

Section 27 of Pub. L. 87-293 provided that: "This Act [see Short Title note set out below] shall take effect on the date of its enactment [Sept. 22, 1961]."

SHORT TITLE

Section 1 of Pub. L. 87-293 provided that Pub. L. 87-293, which enacted this chapter, amended section 2253 of former Title 5, Executive Departments and Government Officers and Employees [now covered by section 8332 of Title 5, Government Organization and Employees], section 425 of Title 20, Education, sections 912, 1303, 3121, 3122, 3401, and 6051 of Title 26, Internal Revenue Code, and sections 405, 409, and 410 of Title 42, The Public Health and Welfare, and enacted provisions set out as notes under this section and sections 912 and 3121 of Title 26, may be cited as the "Peace Corps Act."

EXECUTIVE ORDER NO. 10924

Ex. Ord. No. 10924, Mar. 1, 1961, 26 F.R. 1789, formerly set out as a note under this section, relating to the establishment and administration of the Peace Corps, was superseded by Ex. Ord. No. 11041, Aug. 6, 1962, 27 F.R. 7859, set out as a note under this section.

EXECUTIVE ORDER NO. 11041

Ex. Ord. No. 11041, Aug. 7, 1962, 27 F.R. 7859, as amended by Ex. Ord. No. 11250, Oct. 10, 1965, 30 F.R. 13003, formerly set out as a note under this section, which provided for the continuance and administration of the Peace Corps in the Department of State, was superseded by Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, set out as a note under this section.

EX. ORD. NO. 11603. CONTINUANCE AND ADMINISTRATION OF PEACE CORPS IN AGENCY OF EXECUTIVE BRANCH KNOWN AS "ACTION"

Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, provided:

By virtue of the authority vested in me by the Peace Corps Act (75 Stat. 612), as amended; 22 U.S.C. 2501-2523) and section 301 of Title 3 of the United States Code and as President of the United States, it is hereby ordered as follows:

PART I—PEACE CORPS—DELEGATION OF FUNCTIONS AND ALLOCATION OF FUNDS

SECTION 101. *Authority.* The Peace Corps, established as an agency in the Department of State pursuant to Executive Order No. 10924 of March 1, 1961 (26 F.R. 1789), and continued in existence in that Department under the Peace Corps Act (hereafter in this part referred to as the Act) [this chapter] pursuant to section 102 of Executive Order No. 11041 of August 6, 1962 (27 F.R. 7859), is hereby transferred to the agency created by Reorganization Plan No. 1 of 1971 and designated as ACTION [now Action Agency]. The Director of ACTION (hereinafter referred to as the Director) shall provide for its continuance under the Act as a component of that agency.

SEC. 102. *Delegation of functions to the Director of ACTION.* (a) Exclusive of the functions otherwise delegated or reserved to the President by this Order, and subject to the provisions of this Order, there are hereby delegated to the Director all functions conferred upon the President by the Act and Reorganization Plan No. 1 of 1971.

(b) The function of determining the portion of living allowances constituting basic compensation, conferred upon the President by section 912(3)(D) of the Internal Revenue Code of 1954 [section 912(3)(D) of Title 26, Internal Revenue Code], is hereby delegated to the Director and shall be performed in consultation with the Secretary of the Treasury.

(c) The functions of prescribing regulations and making determinations (relating to appointment of Peace Corps employees in the Foreign Service System) conferred upon the President by section 5(b) of the Act, as amended (79 Stat. 551) [section 2506 note of this title], are hereby delegated to the Director.

(d) The functions of prescribing conditions, conferred upon the President by the second sentence of section 5(e) [section 2504(e) of this title] and the concluding phrase of section 6(3) of the Act [section 2505(3) of this title] (relating to providing health care in Government facilities) and hereinabove delegated to the Director, shall be exercised in consultation with the head of the United States Government agency responsible for the facility.

SEC. 103. *Allocation and transfer of funds.* (a) All funds appropriated or otherwise made available to the President for carrying out the provisions of the Act shall be deemed to be allocated without any further action of the President to the Director or to such subordinate officer as he may designate. The Director or such officer may allocate or transfer, as appropriate, any of such funds to any United States Government agency or part thereof for obligation or expenditures thereby consistent with applicable law.

SEC. 104. There is hereby delegated to the Secretary of State, with respect to laws administered by him, and to the Chairman of the Civil Service Commission, with respect to the laws administered by the Commis-

sion, the function conferred upon the President by that portion of section 5(f)(1)(B) of the Act [section 2504(f)(1)(B) of this title] which reads "except as otherwise determined by the President" (relating to disallowance of credit for service as a volunteer in determining rights of former volunteers under the Civil Service and Foreign Service Systems).

SEC. 105. (a) Nothing in this Order shall be deemed to impair or limit the powers or functions vested in the Secretary of State by the Act.

(b) The negotiation, conclusion, and termination of international agreements pursuant to the Act shall be under the direction of the Secretary of State.

(c) Any substantial change in policies in effect on the date of this Order for the utilization of the Foreign Service Act of 1946, as amended [section 801 et seq. of this title], pursuant to section 7 of the Act [section 2506 of this title], shall be coordinated with the Secretary of State.

PART II—RESERVED FUNCTIONS

SEC. 201. *Reservation of functions to the President.* There are hereby excluded from the delegation made by Part I of this Order the following-described powers and functions of the President:

(a) All authority conferred upon him by sections 4(b), 4(c)(2), 4(c)(3), 10(d), 11, 16(b), and 18 of the Act [sections 2503(b), (c)(2), (3), 2509(d), 2510, 2515(b), and 2517 of this title].

(b) The authority conferred upon him by section 4(a) of the Act [section 2503(a) of this title] to appoint the Director and the Deputy Director of the Peace Corps.

(c) The authority conferred upon him by that portion of section 5(f)(1)(B) of the Act [section 2504(f)(1)(B) of this title] which reads "except as otherwise determined by the President" except as otherwise provided in section 104 of this Order.

(d) The authority conferred upon him by section 10(f) of the Act [section 2509(f) of this title] to direct any agency of the United States Government to provide services, facilities, and commodities to officers carrying out functions under the Act.

(e) The authority conferred upon him by section 12 of the Act [section 2511 of this title] to appoint persons to membership in the Peace Corps National Advisory Council and to determine the length of service of the members of that Council.

(f) The authority conferred upon him by section 19 of the Act [section 2518 of this title] to adopt and alter an official seal or emblem of the Peace Corps.

(g) The authority conferred upon him by the first sentence of section 22 of the Act [section 2519 of this title] to establish standards and procedures for security investigations to the extent not inconsistent with the proviso of section 303(a) of this Order.

PART III—INCIDENTAL PROVISIONS

SEC. 301. *Personnel.* Persons appointed, employed, or assigned under section 7(a) of the Act [section 2506(a) of this title] shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by section 528 of the Foreign Service Act of 1946 [section 928 of this title] in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

SEC. 302. *Determination.* Pursuant to section 10(d) of the Act [section 2509(d) of this title], it is hereby determined to be in furtherance of the purposes of the Act that functions authorized thereby may be performed without regard to the applicable laws specified in sections 1 and 2 and with or without consideration as specified in section 3 of Executive Order No. 11223 of May 12, 1965 [set out as a note under section 2393 of this title], but, except as may be inappropriate, subject to limitations set forth in that Order.

SEC. 303. *Security requirements.* (a) Pursuant to section 22 of the Act [section 2519 of this title], the standards and procedures prescribed by Executive Order No. 10450 of April 27, 1953 [set out as a note under section 7311 of Title 5, Government Organization and Employees], are hereby established as the standards and procedures for the employment or assignment to duties of persons under the Act: *Provided,* That the Director may establish such additional standards and procedures with respect to the employment or assignment to duties of Volunteers as he may deem necessary to accomplish the purposes of the Act.

(b) Nothing in section 303(a) of this Part or in Executive Order No. 10450 [set out as a note under section 7311 of title 5], or in any other Executive Order heretofore issued shall affect the exercise of the authority conferred upon the President by section 5(i) of the Act [section 2504(i) of this title].

SEC. 304. *Definitions.* As used in this Part, the words "Volunteers," "functions," "United States," and "United States Government agency" shall have the same meanings, respectively, as they have under the Act [this chapter].

PART IV—NATIONAL VOLUNTARY ACTION PROGRAM

SEC. 401. The National Voluntary Action Program to encourage and stimulate more widespread and effective voluntary action for solving public domestic problems, established in the Executive Branch of the Government by section 1 of Executive Order No. 11470 of May 26, 1969 [set out as a note under section 2701 of Title 42, The Public Health and Welfare], is hereby transferred to ACTION [now Action Agency]. That program shall supplement corresponding action by private and other non-Federal organizations such as the National Center for Voluntary Action. As used in Parts IV and V of this Order, the term "voluntary action" means the contribution or application of nongovernmental resources of all kinds (time, money, goods, services, and skills) by private and other organizations of all types (profit and nonprofit, national and local, occupational, and altruistic) and by individual citizens.

SEC. 402. In addition to the functions assigned the Peace Corps National Advisory Council by section 12 of the Peace Corps Act [section 2511 of this title], the Council shall, upon the request of the Director, advise and assist him with respect to any function assigned to him by Reorganization Plan No. 1 [set out in the Appendix to Title 5, Government Organization and Employees] or this Order and, to the extent permitted by law, shall perform such other duties as the Director may from time to time prescribe. In addition to such duties, the Council shall—

(a) Promote more widespread reliance and recognition of voluntary activities within the Federal Government and in State and local governments.

(b) Advise and participate in the development of new Federal initiatives for encouraging voluntary action.

PART V—DIRECTOR OF ACTION

SEC. 501. In addition to the functions vested in him by Reorganization Plan No. 1 of 1971 [set out in the Appendix to Title 5, Government Organization and Employees] and Parts I to IV of this Order, the Director shall—

(a) Encourage local, national and international voluntary activities directed toward the solution or mitigation of community problems.

(b) Provide for the development and operation of a clearinghouse for information on Government programs designed to foster voluntary action.

(c) Initiate proposals for the greater and more effective application of voluntary action in connection with Federal programs, and coordinate, as consistent with law, Federal activities involving such action.

(d) Make grants of seed money, as authorized by law, for stimulating the development or deployment of innovative voluntary action programs directed toward community problems.

SEC. 502. (a) The head of each Federal department and agency, or a representative designated by him, when so requested by the Director, shall, to the extent permitted by law and funds available, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this Order and

Reorganization Plan No. 1 of 1971 [set out in the Appendix to Title 5, Government Organization and Employees].

(b) The head of each Federal department or agency shall, when so requested by the Director, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning voluntary action.

(c) The head of each Federal department or agency, or his designated representative, shall keep the Director informed of all proposed budgets, plans, and programs of his department or agency affecting the voluntary action program.

PART VI—GENERAL PROVISIONS

SEC. 601. Except as may for any reason be in appropriate—

(a) References in this Order to (1) "the Peace Corps Act" or "the Act," (2) any other act, or (3) any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(b) References in this Order, or in any other Executive Order, to this Order or to any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(c) References in this Order to any prior Executive Order not superseded by this Order shall be deemed to include references thereto as amended from time to time.

SEC. 602. Except to the extent that they may be inconsistent with this Order, all determinations, authorizations, regulations, rulings, certifications, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this Order and not revoked, superseded, or otherwise made inapplicable before the date of this Order shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

SEC. 603. Nothing in this Order shall be construed as subjecting any department, establishment, or other instrumentality of the Executive Branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

SEC. 604. (a) To the extent permitted by law, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Director or to ACTION [now Action Agency] by this Order as the Director of the Office of Management and Budget shall determine shall be transferred to ACTION at such time or times as the latter Director shall direct.

(b) To the extent permitted by law, such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the provisions of this Order shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) The authority conferred by subsections (a) and (b) of this section shall supplement, not limit, the provisions of section 103 of this Order.

SEC. 605. Executive Order Nos. 11041, 11250, and 11470 are hereby superseded.

SEC. 606. The Order shall become effective on July 1, 1971.

RICHARD NIXON.

§ 2501a. Voluntary service programs

(a) Congressional declaration of policy of encouragement

The Congress declares that it is the policy of the United States and a further purpose of this chapter (1) to encourage countries and areas to establish programs under which their citizens and nationals would volunteer to serve in order to help meet the needs of less developed countries or areas for trained manpower; (2) to encourage less developed countries or areas to establish programs under which their citizens and nationals would volunteer to serve in order to meet their needs for trained manpower; and (3) to encourage the development of, and participation in, international voluntary service programs and activities.

(b) Limitations on executive activities and use of funds

(1) Activities carried out by the President in furtherance of the purposes of clauses (1) and (2) of subsection (a) of this section shall be limited to the furnishing of knowledge and skills relating to the selection, training, and programing of volunteer manpower. None of the funds available for use in the furtherance of such purposes may be contributed to any international organization or to any foreign government or agency thereof; nor may such funds be used to pay the costs of developing or operating volunteer programs of such organization, government, or agency, or to pay any other costs of such organization, government, or agency.

(2) Not more than $350,000 may be used in any fiscal year to carry out the provisions of clause (3) of subsection (a) of this section. Such funds may be contributed to educational institutions, private voluntary organizations, international organizations, and foreign governments or agencies thereof, to pay a fair and proportionate share of the costs of encouraging the development of, and participation in, international voluntary programs and activities.

(c) Compromise of national character

Such activities shall not compromise the national character of the Peace Corps.

(Pub. L. 87-293, title III, § 301, as added Pub. L. 88-200, § 8, Dec. 13, 1963, 77 Stat. 360, and amended Pub. L. 91-99, § 3, Oct. 29, 1969, 83 Stat. 166; Pub. L. 91-352, § 9, July 24, 1970, 84 Stat. 465; Pub. L. 92-352, title IV, § 402, July 13, 1972, 86 Stat. 495.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

AMENDMENTS

1972—Subsec. (b)(2). Pub. L. 92-352 substituted "$350,000" for "$300,000" and "in any fiscal year to carry" for "in fiscal year 1971 to carry".

1970—Subsec. (a)(3). Pub. L. 91-352, § 9(a), changed the policy objective from encouragement of participation in any international register which seeks to provide volunteers to serve in less developed countries or areas, training, or other assistance in order to help such countries or areas to meet their needs for trained manpower to encouragement of participation in international voluntary service programs and activities.

Subsec. (b)(2). Pub. L. 91-352, § 9(b), substituted fiscal year 1971 for fiscal year 1970 and changed the authorization of the contribution of funds from a fair and proportionate share of the costs of the international registers to a fair and proportionate share of

the costs of encouraging the development of and participation in international voluntary programs and activities.

1969—Subsec. (a). Pub. L. 91-99, § 3(1), redesignated existing provisions as cls. (1) and (2), and added cl. (3).

Subsec. (b). Pub. L. 91-99, § 3(2), redesignated existing provisions as cl. (1), and, as so redesignated, struck out the provision which authorized the use of not more than $300,000 in carrying out the purposes of this section in fiscal year 1964 and added the references to cls. (1) and (2) of subsec. (a) of this section, and added cl. (2).

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976; LIMITATION ON EXPENDITURES

Pub. L. 94-274, title I, § 112(b), Apr. 21, 1976, 90 Stat. 388, limited to $100,000, for the period of July 1, 1976 through Sept. 30, 1976, the expenditures in section 2501a(b)(2) of this title.

§ 2502. Presidential authorization; appropriations and financial readjustments

(a) Terms and conditions of authorization

The President is authorized to carry out programs in furtherance of the purposes of this chapter, on such terms and conditions as he may determine.

(b) Appropriations; limitations on contracts for research; prohibition on use of funds for Volunteers to America program

There are authorized to be appropriated for fiscal year 1976 not to exceed $88,468,000, and for the period July 1, 1976, through September 30, 1976, not to exceed $27,887,800, for fiscal year 1977 not to exceed $81,000,000, to carry out the purposes of this chapter: *Provided, however,* That not to exceed $500,000 of funds made available hereunder for fiscal year 1967 shall be obligated under contracts or agreements to carry out research: *Provided further,* That no such contracts or agreements shall be executed unless the research in question relates to the basic responsibilities of the Peace Corps. Unobligated balances of funds made available hereunder are hereby authorized to be continued available for the general purposes for which appropriated and may at any time be consolidated with appropriations hereunder. None of the funds authorized to carry out the purposes of this chapter shall be used to carry out the Volunteers to America Program conducted under the Mutual Educational and Cultural Exchange Act of 1961, as amended [22 U.S.C. 2451 et seq.], or any similar program involving the service or training of foreign nationals in the United States.

(c) Appropriations for increases in salary, pay, etc.

In addition to the amounts authorized for fiscal year 1976, for the period July 1, 1976, through September 30, 1976, and fiscal year 1977, there are authorized to be appropriated for fiscal year 1976 and the period July 1, 1976, through September 30, 1976, not in excess of $1,000,000, and for fiscal year 1977 such sums as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Rectification of imbalance in readjustment allowance

The Director of ACTION Agency shall transfer to the readjustment allowance, ACTION Agency account at the Treasury Department, no later than December 31, 1975, not to exceed $315,000 from any sums available to carry out the purposes of this chapter in fiscal year 1976 to rectify the imbalance in the Peace Corps readjustment allowance account for the period March 1, 1961, to February 28, 1973.

(e) Waiver of claims resulting from erroneous payments

The Director of ACTION Agency is authorized to waive claims resulting from erroneous payments of readjustment allowances to Peace Corps Volunteers who terminated their volunteer service between March 1, 1961, and February 28, 1973, notwithstanding the provisions of section 5584 of title 5, and notwithstanding the fact that the names of the recipients of such overpayments may be unknown.

(f) Relief from liability for improper payment of readjustment allowance

Disbursing and certifying officers of the Peace Corps and ACTION Agency are relieved from liability for improper or incorrect payments of readjustment allowances made to volunteers between March 1, 1961, and February 28, 1973, other than any cases known to have resulted from fraud, notwithstanding the provisions of section 82a-2 of title 31, and of section 82c of title 31.

(Pub. L. 87-293, title I, § 3, Sept. 22, 1961, 75 Stat. 612; Pub. L. 87-442, Apr. 27, 1962, 76 Stat. 62; Pub. L. 88-200, § 1, Dec. 13, 1963, 77 Stat. 359; Pub. L. 88-285, Mar. 17, 1964, 78 Stat. 166; Pub. L. 89-134, § 1, Aug. 24, 1965, 79 Stat. 549; Pub. L. 89-572, § 1, Sept. 13, 1966, 80 Stat. 764; Pub. L. 90-175, Dec. 5, 1967, 81 Stat. 542; Pub. L. 90-362, June 27, 1968, 82 Stat. 250; Pub. L. 91-99, § 1, Oct. 29, 1969, 83 Stat. 166; Pub. L. 91-352, § 1, July 24, 1970, 84 Stat. 464; Pub. L. 92-135, Oct. 8, 1971, 85 Stat. 376; Pub. L. 92-352, title IV, § 401, July 13, 1972, 86 Stat. 495; Pub. L. 93-49, § 1, June 25, 1973, 87 Stat. 99; Pub. L. 93-302, §§ 1, 2, June 1, 1974, 88 Stat. 191, 192; Pub. L. 94-130, §§ 1-3, Nov. 14, 1975, 89 Stat. 684; Pub. L. 94-281, §§ 1, 2, May 7, 1976, 90 Stat. 458.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b), and (d), was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

The Mutual Educational and Cultural Exchange Act of 1961, as amended, referred to in subsec. (b), is Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to chapter 33 (§ 2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables volume.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-281, § 1, authorized appropriation of not to exceed $81,000,000 for fiscal year 1977.

Subsec. (c). Pub. L. 94-281, § 2, added provisions relating to fiscal year 1977 and authorization of such sums as may be necessary for such year.

1975—Subsec. (b). Pub. L. 94-130, § 1, authorized appropriation of $88,468,000 for fiscal year 1976, and $27,887,800 for period July 1, 1976, through Sept. 30, 1976, and deleted prior appropriations authorization of $82,256,000 for fiscal year 1975.

Subsec. (c). Pub. L. 94-130, § 2, authorized appropriation of $1,000,000 for fiscal year 1976, for increase in employee benefits, in addition to amounts authorized for fiscal year 1976, and for period July 1, 1976, through Sept. 30, 1976, and deleted prior appropriation authorization of $1,000,000 for fiscal year 1975, for increase in employee benefits, in addition to amounts authorized for fiscal year 1975.

Subsec. (d). Pub. L. 94-130, § 3, substituted "shall transfer", "no later than December 31, 1975, not to exceed $315,000 from any sums available to carry out the purposes of this chapter in fiscal year 1976" for "is authorized to transfer" and "from any sums appropriated to carry out the purposes of this chapter in fiscal year 1975 not to exceed $315,000".

1974—Subsec. (b). Pub. L. 93-302, § 1, substituted "There are authorized to be appropriated for fiscal year 1975 not to exceed $82,256,000 to carry out the purposes of this chapter" for "There are authorized to be appropriated to the President for the fiscal year 1974 not to exceed $77,001,000 to carry out the purposes of this chapter.

Subsecs. (c) to (f). Pub. L. 93-302, § 2, added subsecs. (c) to (f).

1973—Subsec. (b). Pub. L. 93-49 substituted "1974" for "1973" and "$77,001,000" for "$88,027,000".

1972—Subsec. (b). Pub. L. 92-352 substituted "1973" for "1972" and $88,027,000" for "$77,200,000".

1971—Subsec. (b). Pub. L. 92-135 substituted "1972" for "1971" and "$77,200,000" for "$98,800,000".

1970—Subsec. (b). Pub. L. 91-352 substituted "1971" for "1970" and "$98,800,000" for "$98,450,000".

1969—Subsec. (b). Pub. L. 91-99 substituted "1970" for "1969" and "$98,450,000" for "$112,800,000", and added the provision prohibiting funds authorized to carry out the purposes of this chapter to be used to carry out the Volunteers to America Program conducted under the Mutual Educational and Cultural Exchange Act of 1961, or any similar program.

1968—Subsec. (b). Pub. L. 90-362 substituted "1969" for "1968" and "$112,800,000" for "$115,700,000".

1967—Subsec. (b). Pub. L. 90-175 substituted "1968" for "1967" and "$115,700,000" for "$110,000,000".

1966—Subsec. (b). Pub. L. 89-572 authorized an appropriation of $110,000,000 for the fiscal year 1967 and provided for obligation of limited amount of funds under contracts or agreements to carry out research relating to the basic responsibilities of the Peace Corps and for continuing availability of unobligated balances of funds.

1965—Subsec. (b). Pub. L. 89-134 substituted "1966" for "1965" and inserted $500,000 limit on funds available for research.

1964—Subsec. (b). Pub. L. 88-285 authorized an appropriation of $115,000,000 for the fiscal year 1965.

1963—Subsec. (b). Pub. L. 88-200 substituted "1964" and "$102,000,000" for "1963" and "$63,750,000", respectively.

1962—Subsec. (b). Pub. L. 87-442 authorized an appropriation of $63,750,000 for the fiscal year 1963.

CHANGE OF NAME

"ACTION Agency" was substituted, in subsecs. (d) to (f), for "ACTION" on authority of Pub. L. 93-113, title VI, § 601(d), Oct. 1, 1973, 87 Stat. 416.

PAYMENT OF READJUSTMENT ALLOWANCES FROM AMOUNT APPROPRIATED FOR FISCAL YEAR 1977; LIMITATION ON AMOUNT AVAILABLE

Section 3 of Pub. L. 94-281 provided that: "Of the amount appropriated for fiscal year 1977 to carry out the purposes of the Peace Corps Act [see Short Title note set out under section 2501 of this title], $10,100,000 shall be available only for payment of the readjustment allowances authorized by sections 5(c) and 6(1) of such Act [sections 2504(c) and 2505(1) of this title]."

§ 2503. Director and Deputy Director; delegation of functions

(a) Appointment

The President may appoint, by and with the advice and consent of the Senate, a Director of the Peace Corps and a Deputy Director of the Peace Corps.

(b) Delegation of functions by President, agency heads and officers; rules and regulations

The President may exercise any functions vested in him by this chapter through such agency or officer of the United States Government as he shall direct. The head of any such agency or any such officer may promulgate such rules and regulations as he may deem necessary or appropriate to carry out such functions, and may delegate to any of his subordinates authority to perform any of such functions.

(c) Powers and functions of Secretary of State; coordination of activities; responsibility for supervision and direction of programs

(1) Nothing contained in this chapter shall be construed to infringe upon the powers or functions of the Secretary of State.

(2) The President shall prescribe appropriate procedures to assure coordination of Peace Corps activities with other activities of the United States Government in each country, under the leadership of the chief of the United States diplomatic mission.

(3) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of the programs authorized by this chapter, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

(4) The Director of the Peace Corps may prescribe such regulations as may be necessary to assure that no individual performing service for the Peace Corps under any authority contained in this chapter shall engage in any activity determined by the Director to be detrimental to the best interests of the United States.

(d) Prohibition on performance of services more usefully performed by other agencies

Except with the approval of the Secretary of State, the Peace Corps shall not be assigned to perform services which could more usefully be performed by other available agencies of the United States Government in the country concerned.

(Pub. L. 87-293, title I, § 4, Sept. 22, 1961, 75 Stat. 612; Pub. L. 88-426, title III, § 305(27), Aug. 14, 1964, 78 Stat. 426; Pub. L. 91-352, § 2, July 24, 1970, 84 Stat. 464.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b) and (c), was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

AMENDMENTS

1970—Subsec. (c). Pub. L. 91-352 added par. (4).

1964—Subsec. (a). Pub. L. 88-426 repealed provisions which prescribed the compensation of the Director

and Deputy Director. See sections 5314 and 5315 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

TRANSFER OF FUNCTIONS

Transfer to President of the United States of functions conferred upon Director of the Peace Corps by subsec. (c)(4) of this section, see section 2(b) of Reorg. Plan No. 1 of 1971, eff. July 1, 1971, 36 F.R. 11181, 85 Stat. 819, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2504. Peace Corps volunteers

(a) Persons eligible; terms and conditions of service; Federal employee status; political, racial, religious, or color discrimination

The President may enroll in the Peace Corps for service abroad qualified citizens and nationals of the United States (referred to in this chapter as "volunteers"). The terms and conditions of the enrollment, training, compensation, hours of work, benefits, leave, termination, and all other terms and conditions of the service of volunteers shall be exclusively those set forth in this chapter and those consistent therewith which the President may prescribe; and, except as provided in this chapter, volunteers shall not be deemed officers or employees or otherwise in the service or employment of, or holding office under, the United States for any purpose. In carrying out this subsection no political test shall be required or taken into consideration, nor shall there be any discrimination against any person on account of race, sex, creed, or color.

(b) Living allowances, travel, leave and related items; transfers of supplies and equipment

Volunteers shall be provided with such living, travel, and leave allowances, and such housing, transportation, supplies, equipment, subsistence, and clothing as the President may determine to be necessary for their maintenance and to insure their health and their capacity to serve effectively. Supplies or equipment provided volunteers to insure their capacity to serve effectively may be transferred to the government or to other entities of the country or area with which they have been serving, when no longer necessary for such purpose, and when such transfers would further the purposes of this chapter. Transportation and travel allowances may also be provided, in such circumstances as the President may determine, for applicants for enrollment to or from places of training and places of enrollment, and for former volunteers from places of termination to their homes in the United States.

(c) Readjustment allowances

Volunteers shall be entitled to receive a readjustment allowance at a rate not to exceed $125 for each month of satisfactory service as determined by the President; except that, in the cases of volunteers who have one or more minor children at the time of their entering a period of pre-enrollment training, one parent shall be entitled to receive a readjustment allowance at a rate not to exceed $125 for each month of satisfactory service as determined by the President. The readjustment allowance of each volunteer shall be payable on his return to the United States: *Provided, however,* That, under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of his family or others, during the period of his service, or prior to his return to the United States. In the event of the volunteer's death during the period of his service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582(b) of title 5. For purposes of the Internal Revenue Code of 1954, a volunteer shall be deemed to be paid and to receive each amount of a readjustment allowance to which he is entitled after December 31, 1964, when such amount is transferred from funds made available under this chapter to the fund from which such readjustment allowance is payable.

(d) Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 661

(e) Health care

Volunteers shall receive such health care during their service, applicants for enrollment shall receive such health examinations preparatory to their service, applicants for enrollment who have accepted an invitation to begin a period of training under section 2507(a) of this title shall receive such immunization and dental care preparatory to their service, and former volunteers shall receive such health examinations within six months after termination of their service, as the President may deem necessary or appropriate. Subject to such conditions as the President may prescribe, such health care may be provided in any facility of any agency of the United States Government, and in such cases the appropriation for maintaining and operating such facility shall be reimbursed from appropriations available under this chapter.

(f) Retirement and other credits based upon length of service

(1) Any period of satisfactory service of a volunteer under this chapter shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(A) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946 as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

(B) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946 [22 U.S.C. 801 et seq.], and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided,* That service of a volunteer shall not be credited toward completion of any probationary or trial period or

completion of any service requirement for career appointment.

(2) For the purposes of paragraph (1)(A) of this subsection, volunteers and volunteer leaders shall be deemed to be receiving compensation during their service at the respective rates of readjustment allowances payable under subsection (c) of this section and section 2505(1) of this title.

(g) Assignment to other entities

The President may detail or assign volunteers or otherwise make them available to any entity referred to in paragraph (1) of section 2509(a) of this title on such terms and conditions as he may determine: *Provided,* That not to exceed two hundred volunteers may be assigned to carry out secretarial or clerical duties on the staffs of the Peace Corps representatives abroad: *Provided, however,* That any volunteer so detailed or assigned shall continue to be entitled to the allowances, benefits and privileges of volunteers authorized under or pursuant to this chapter.

(h) Tort claims; absentee voting; general average contributions for transportation of baggage; check cashing and currency exchange; claims for overpayment of pay; passport fees

Volunteers shall be deemed employees of the United States Government for the purposes of the Federal Tort Claims Act and any other Federal tort liability statute, the Federal Voting Assistance Act of 1955 [42 U.S.C. 1973cc et seq.], section 492a of title 31, section 5584 of title 5 (and readjustment allowances paid under this chapter shall be considered as pay for purposes of such section), and section 214 of this title.

(i) Termination of service

The service of a volunteer may be terminated at any time at the pleasure of the President.

(j) Oath of office

Upon enrollment in the Peace Corps, every volunteer shall take the oath prescribed for persons appointed to any office of honor or profit by section 3331 of title 5, and shall swear (or affirm) that he does not advocate the overthrow of our constitutional form of government in the United States, and that he is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates.

(k) Counseling programs for returned volunteers

In order to assure that the skills and experience which former volunteers have derived from their training and their service abroad are best utilized in the national interest, the President may, in cooperation with agencies of the United States, private employers, educational institutions and other entities of the United States, undertake programs under which volunteers would be counseled with respect to opportunities for further education and employment.

(*l*) Legal expenses of defendant in judicial or administrative proceedings

Notwithstanding any other provision of law, counsel may be employed and counsel fees, court costs, bail, and other expenses incident to the defense of volunteers may be paid in foreign judicial or administrative proceedings to which volunteers have been made parties.

(m) Allowances and expenses of minor children

The minor children of a volunteer living with the volunteer may receive—

(1) such living, travel, education, and leave allowances, such housing, transportation, subsistence, and essential special items of clothing as the President may determine;

(2) such health care, including health care following the volunteer's service for illness or injury incurred during such service, and health and accident insurance, as the President may determine and upon such terms as he may determine, including health care in any facility referred to in subsection (e) of this section, subject to such conditions as the President may prescribe and subject to reimbursement of appropriations as provided in such subsection (e);

(3) such orientation, language, and other training necessary to accomplish the purposes of this chapter as the President may determine; and

(4) the benefits of subsection (*l*) of this section on the same basis as volunteers.

(n) Moving expenses

The costs of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of a volunteer who has one or more minor children at the time of his entering a period of pre-enrollment training may be paid from the date of his departure from his place of residence to enter training until no later than three months after termination of his service.

(Pub. L. 87-293, title I, § 5, Sept. 22, 1961, 75 Stat. 613; Pub. L. 88-200, § 2, Dec. 13, 1963, 77 Stat. 359; Pub. L. 89-134, § 2, Aug. 24, 1965, 79 Stat. 549; Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 661, 662; Pub. L. 89-572, § 2(a), Sept. 13, 1966, 80 Stat. 765; Pub. L. 91-99, § 2, Oct. 29, 1969, 83 Stat. 166; Pub. L. 91-352, § 3, July 24, 1970, 84 Stat. 464; Pub. L. 94-130, §§ 4, 6, Nov. 14, 1975, 89 Stat. 684.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (e) to (h), and (m), was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

The Internal Revenue Code of 1954, referred to in subsec. (c), is classified generally to Title 26, The Internal Revenue Code.

Section 852(a)(1) of the Foreign Service Act of 1946, as amended, (22 U.S.C. 1092(a)(1)), referred to in subsec. (f), was repealed by Pub. L. 94-350, title V, § 516, July 12, 1976, 90 Stat. 845.

The Foreign Service Act of 1946, as amended, referred to in subsec. (f), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

The Federal Tort Claims Act, referred to in subsec. (h), is classified generally to section 1346(b) and chapter 171 (§ 2671 et seq.) of Title 28, Judiciary and Judicial Procedure.

The Federal Voting Assistance Act of 1955, referred to in subsec. (h), is act Aug. 9, 1955, ch. 656, 69 Stat.

584, as amended, which is classified principally to subchapter I-D (§ 1973cc et seq.) of chapter 20 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note under section 1973cc of Title 42 and Tables volume.

CODIFICATION

In subsec. (j), "section 3331 of title 5" was substituted for "section 1757 of the Revised Statutes of the United States, as amended (5 U.S.C. 16)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1975—Subsec. (a). Pub. L. 94-130, § 4, prohibited discrimination against any person on account of sex.

Subsec. (c). Pub. L. 94-130, § 6, substituted $125 for $75 in initial clause of first sentence.

1970—Subsec. (c). Pub. L. 91-352, § 3(a), added exception that in the case of volunteers having one or more children at the time of entering a period of pre-enrollment training, one parent would be entitled to receive a readjustment allowance not exceeding $125 for each month of satisfactory service as determined by the President, and substituted "section 5582(b) of title 5" for "section 61f of title 5".

Subsecs. (m), (n). Pub. L. 91-352, § 3(b), added subsecs. (m) and (n).

1969—Subsec. (h). Pub. L. 91-99 added the provision that for the purposes of section 5584 of title 5 (and readjustment allowances made thereto) volunteers are to be deemed employees of the United States Government.

1966—Subsec. (d). Repealed by Pub. L. 89-554, and now covered by section 8142 of Title 5, Government Organization and Employees.

Subsec. (f). Repealed, as applicable to the Civil Service Retirement Act, as amended, by Pub. L. 89-554, and now covered by section 8332(b) of Title 5.

Subsec. (h). Repealed, as applicable to act June 4, 1954, chapter 264, section 5 (5 U.S.C. 73b-5), by Pub. L. 89-554, and now covered by section 5732 of Title 5.

Subsec. (*l*). Pub. L. 89-572 added subsec. (*l*).

1965—Subsec. (c). Pub. L. 89-134, § 2(a), provided that, for purposes of the Internal Revenue Code of 1954, a volunteer is deemed to be paid and to receive readjustment allowance to which he is entitled after December 31, 1964, when the amount is transferred from funds made available under this chapter to the fund from which the readjustment allowance is paid.

Subsec. (e). Pub. L. 89-134, § 2(b), extended health care provisions to include health examinations for applicants for enrollment prepratory to their service, immunization and dental care for applicants who have accepted an invitation to begin a period of training under section 2507(a) of this title, and health examinations to former volunteers within six months after termination of their service.

Subsec. (g). Pub. L. 89-134, § 2(c), authorized an increase from 100 to 200 in the number of volunteer secretaries and clerical workers permitted to serve on the staffs of Peace Corps representatives abroad.

Subsec. (h). Pub. L. 89-134, § 2(d) extended check cashing and currency exchange transaction privileges of government employees to Peace Corps volunteers.

1963—Subsec. (b). Pub. L. 88-200, § 2(a), inserted provision for transfer of supplies and equipment.

Subsec. (c). Pub. L. 88-200, § 2(b), substituted "a readjustment allowance" for "termination payments" in the first sentence, the second sentence reading "The readjustment allowance of each volunteer shall be payable on his return to the United States: Provided, however, That, under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of his family or others, during the period of his service, or prior to his return to the United States" for "The termination payment of each volunteer shall be payable at the termination of his service, or may be paid during the course of his service to the volunteer, to members of his family or to others, under such circumstances as the President may determine" and "readjustment allowance" for "termination payment" in the third sentence.

Subsec. (f)(2). Pub. L. 88-200, § 2(c), substituted "readjustment allowances" for "termination payments."

Subsec. (g). Pub. L. 88-200, § 2(d), provided for assignment of volunteers to duties on staffs of Peace Corps representatives abroad.

Subsec. (h). Pub. L. 88-200, § 2(e), provided that volunteers shall be deemed employees of the U.S. Government for the purposes of absentee voting assistance and payment of general average contributions for transportation of baggage.

Subsec. (k). Pub. L. 88-200, § 2(f), added subsec. (k).

DELEGATION OF FUNCTIONS

Functions of the President under the second sentence of subsec. (e) of this section, to prescribe conditions for the provision of health care in facilities of agencies of the United States Government, delegated to the Director of ACTION, to be exercised in consultation with the head of the United States Government agency responsible for the facility, see section 102(d) of Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, set out as a note under section 2501 of this title.

Functions of the President under subsec. (f)(1)(B), relating to the disallowance of credit for service as a volunteer in determining rights of former volunteers under the Civil Service and Foreign Service Systems, delegated to the Secretary of State, with respect to laws administered by him, and to the Chairman of the Civil Service Commission, with respect to the laws administered by the Commission, see section 104 of Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, set out as a note under section 2501 of this title.

LEGAL EXPENSES INCURRED PRIOR TO SEPT. 13, 1966

Section 2(b) of Pub. L. 89-572 provided that: "The authority contained in subsection (a) [adding subsec. (*l*) to this section] shall extend to counsels fees, costs, and other expenses of the types specified therein that were incurred prior to the date of enactment of this Act [Sept. 13, 1966]."

EX. ORD. NO. 11103. APPOINTMENT OF FORMER VOLUNTEERS TO CIVILIAN CAREER SERVICES

Ex. Ord. No. 11103, Apr. 10, 1963, 28 F.R. 3571, provided:

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) [see, generally, section 1101 et seq. of Title 5, Government Organization and Employers], and section 1753 of the Revised Statutes [now covered by section 3301 of title 5], and as President of the United States, it is hereby ordered as follows:

SECTION 1. Under such regulations as the Civil Service Commission may prescribe, the head of any agency in the Executive Branch may appoint in the competitive service any person who is certified by the Director of the Peace Corps as having served satisfactorily as a Volunteer or Volunteer Leader under the Peace Corps Act [see Short Title note set out under section 2501 of this title] and who passes such examination as the Civil Service Commission may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

SEC. 2. The head of any agency in the Executive Branch having an established merit system in the excepted service may appoint in such service any person who is certified by the Director of the Peace Corps as having served satisfactorily as a Volunteer or Volunteer Leader under the Peace Corps Act [see Short Title note set out under section 2501 of this title] and who passes such examination as such agency head may prescribe.

SEC. 3. Certificates of satisfactory service for the purposes of this order shall be issued only to persons who have completed a full term of service (approximately two years) under the Peace Corps Act [see

Short Title note set out under section 2501 of this title]: *Provided,* That such certificates may be issued to persons who have completed a lesser period of satisfactory service if, in the judgment of the Director of the Peace Corps, (1) their service was of sufficient duration to demonstrate their capability to complete satisfactorily a full term, and (2) their failure to complete a full term was due to circumstances beyond their control.

SEC. 4. Any appointment under this order shall be effected within a period of one year after completion of the appointee's service under the Peace Corps Act [see Short Title note set out under section 2501 of this title]: *Provided,* That such period may be extended to not more than three years in the case of persons who, following such service, are engaged in military service, in the pursuit of studies at a recognized institution of higher learning, or in other activities which, in the view of the appointing authority, warrant an extension of such period.

SEC. 5. Any law, Executive Order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this order.

JOHN F. KENNEDY.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2505, 2509 of this title; title 5 sections 8142, 8332; title 26 sections 912, 3401; title 42 sections 409, 4954.

§ 2505. Peace Corps volunteer leaders; number; applicability of chapter; benefits

The President may enroll in the Peace Corps qualified citizens or nationals of the United States whose services are required for supervisory or other special duties or responsibilities in connection with programs under this chapter (referred to in this chapter as "volunteer leaders"). The ratio of the total number of volunteer leaders to the total number of volunteers in service at any one time shall not exceed one to twenty-five. Except as otherwise provided in this chapter, all of the provisions of this chapter applicable to volunteers shall be applicable to volunteer leaders, and the term "volunteers" shall include "volunteer leaders": *Provided, however,* That—

(1) volunteer leaders shall be entitled to receive a readjustment allowance at a rate not to exceed $125 for each month of satisfactory service as determined by the President;

(2) spouses and minor children of volunteer leaders may receive such living, travel, and leave allowances, and such housing, transportation, subsistence, and essential special items of clothing, as the President may determine, but the authority contained in this paragraph shall be exercised only under exceptional circumstances;

(3) spouses and minor children of volunteer leaders accompanying them may receive such health care as the President may determine and upon such terms as he may determine, including health care in any facility referred to in section 2504(e) of this title, subject to such conditions as the President may prescribe and subject to reimbursement of appropriations as provided in section 2504(e) of this title; and

(4) spouses and minor children of volunteer leaders accompanying them may receive such orientation, language, and other training necessary to accomplish the purposes of this chapter as the President may determine.

(Pub. L. 87-293, title I, § 6, Sept. 22, 1961, 75 Stat. 615; Pub. L. 88-200, § 3, Dec. 13, 1963, 77 Stat. 360; Pub. L. 89-134, § 3, Aug. 24, 1965, 79 Stat. 549; Pub. L. 91-352, § 4, July 24, 1970, 84 Stat. 465.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

AMENDMENTS

1970—Pub. L. 91-352 struck out provisions extending health care under cl. (3) to a married volunteer's child if born during the volunteer's service.

1965—Pub. L. 89-134 extended the health care provisions of cl. (3) to a married volunteer's child if born during the volunteer's service.

1963—Pub. L. 88-200 substituted "a readjustment allowance" for "termination payments" in cl. (1).

APPOINTMENT TO CIVILIAN CAREER SERVICES

Appointment of former volunteer leaders to civilian career services, see Ex. Ord. No. 11103, Apr. 10, 1963, 28 F.R. 3571, set out as a note under section 2504 of this title.

DELEGATION OF FUNCTIONS

Function of the President to prescribe conditions for the provision of health care under the concluding phrase of clause (3) of this section delegated to the Director of ACTION, to be exercised in consultation with the head of the United States agency responsible for the facility providing the health care, see section 102(d) of Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, set out as a note under section 2501 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2504, 2509, 2522 of this title; title 5 sections 8142, 8331, 8332; title 26 sections 912, 3401; title 42 section 409.

§ 2506. Peace Corps employees

(a) Foreign employment; compensation, allowances and benefits; utilization of Presidential authority respecting Foreign Service; additional compensation and differentials

(1) For the purpose of performing functions under this chapter outside the United States, the President may employ or assign persons, or authorize the employment or assignment of officers or employees of agencies of the United States Government, who shall receive compensation at any of the rates provided for persons appointed to the Foreign Service Reserve and Staff under the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), together with allowances and benefits thereunder; and persons so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of the employment or assignment exceeds thirty months, to the same benefits as are provided by section 528 of that Act [22 U.S.C. 928] for persons appointed to the Foreign Service Reserve, and the provisions of section 1005 of that Act [22 U.S.C. 807] shall apply in the case of such persons, except that policymaking officials shall not be subject to that part of section 1005 of that Act [22 U.S.C. 807] which prohibits political tests;

(2) The President may utilize such authority contained in the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.], relating to Foreign Service Reserve officers, Foreign Service staff officers and employees, alien clerks and employees, and other United States Government officers and employees apart from Foreign Service officers as he deems necessary to carry out functions under this chapter; except that (A) no Foreign Service Reserve or staff appointment or assignment under this paragraph shall be for a period of more than five years unless the Director of the Peace Corps, under special circumstances, personally approves an extension of not more than one year on an individual basis; and (B) no person whose Foreign Service Reserve or staff appointment or assignment under this paragraph has been terminated shall be reappointed or reassigned under this paragraph before the expiration of a period of time equal to his preceding tour of duty. Such provisions of that Act as the President deems appropriate shall apply to persons appointed or assigned under this paragraph, including in all cases, the provisions of section 528 of that Act [22 U.S.C. 928]: *Provided, however,* That the President may by regulation make exceptions to the application of section 528 [22 U.S.C. 928] in cases in which the period of the appointment or assignment exceeds thirty months: *Provided further,* That Foreign Service Reserve officers appointed or assigned pursuant to this paragraph shall receive within class salary increases in accordance with such regulations as the President may prescribe: *Provided further,* That under such regulations as the President may prescribe persons who are to perform duties of a more routine nature than are generally performed by Foreign Service staff officers and employees of class 10 may be appointed to an unenumerated class of Foreign Service staff officers and employees ranking below class 10 and be paid basic compensation at rates lower than those of class 10; and

(3) The President may specify what additional allowance authorized by section 5941 of title 5 and which of the allowances and differentials authorized by sections 5923 through 5925 of such title 5, may be granted to any person employed, appointed, or assigned under this subsection and may determine the rates thereof not to exceed the rates otherwise granted to employees under the sections of title 5 referred to in this paragraph.

(b) Criteria for performance of foreign employment; separations; severance benefits

The President is authorized to prescribe by regulation standards or other criteria for maintaining adequate performance levels for persons appointed or assigned for the purpose of performing functions under this chapter outside the United States pursuant to subsection (a)(2) of this section and section 1787(c)(2) of this title, and may, notwithstanding any other law, separate persons who fail to meet such standards or other criteria, and also may grant such persons severance benefits of one month's salary for each year of service, but not to exceed one year's salary at the then current salary rate of such persons.

(c) Peace Corps representatives; terms and conditions of service; removal

In each country or area in which volunteers serve abroad, the President may appoint an employee or a volunteer as a Peace Corps representative to have direction of other employees of the Peace Corps abroad and to oversee the activities carried on under this chapter in such country or area. Unless a representative is a volunteer, the compensation, allowances and benefits, and other terms and conditions of service of each such representative, shall be the same as those of a person appointed, or assigned pursuant to paragraph (1) or (2) of subsection (a) of this section, except that any such representative may, notwithstanding any provision of law, be removed by the President in his discretion.

(Pub. L. 87-293, title I, § 7, Sept. 22, 1961, 75 Stat. 615; Pub. L. 87-793, § 1001(*l*), Oct. 11, 1962, 76 Stat. 865; Pub. L. 88-200, § 4, Dec. 13, 1963, 77 Stat. 360; Pub. L. 89-134, § 4, Aug. 24, 1965, 79 Stat. 549; Pub. L. 91-352, § 5, July 24, 1970, 84 Stat. 465.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

The Foreign Service Act of 1946, as amended, and that Act, referred to in subsec. (a)(1), (2), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

Section 1787(c)(2) of this title, referred to in subsec. (b), was repealed by Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460.

AMENDMENTS

1970—Subsec. (a)(3). Pub. L. 91-352 substantially reenacted provisions and substituted references to section 5941 of title 5, and sections 5923 through 5925 of such title 5, for references to section 118h of title 5 and title II of the Overseas Differentials and Allowances Act.

1965—Subsec. (a). Pub. L. 89-134, § 4(a), (b) redesignated former subsec. (c) as subsec. (a) and, in subsec. (a) as so redesignated, incorporated into par. (1) material formerly set out as introductory material, spelled out the authority of the President to utilize his authority to appoint and assign persons under the Foreign Service Act of 1946 by making specific reference to his authority as it related to Foreign Service Reserve Officers, Foreign Service Staff officers and employees, alien clerks and employees and other Government officers and employees apart from the Foreign Service, limited to five-year duration all Foreign Service Reserve or Staff appointments and assignments unless the Director of the Peace Corps personally approved one-years extensions on an individual basis, prohibited reappointment or reassignment under this par. before expiration of a period of time equal to the length of the appointee's preceding tour of duty, inserted proviso in par. (2) allowing appointment of an unenumerated class of Foreign Service staff officers and employees ranking below class 10 to be paid basic compensation at rates lower than those of class 10 to perform duties of a more routine nature than are usually performed by Foreign Service staff officers and employees of class 10, and, in par. (3), inserted reference to section 118h of title 5 and substituted reference to subsec. (a) for reference to subsec. (c). Former

subsec. (a), relating to domestic employment, was repealed.

Subsec. (b). Pub. L. 89-134, § 4(c), redesignated as subsec. (b) former subsec. (d) and, in subsec. (b) as so redesignated, inserted "for the purpose of performing functions under this chapter outside the United States" after "or assigned" and substituted reference to subsec. (a) (2) for reference to subsec. (c)(2). Former subsec. (b), relating to compensation for domestic employment, was repealed.

Subsec. (c). Pub. L. 89-134, § 4(d), redesignated former subsec. (e) as subsec. (c) and, in subsec. (c) as so redesignated, substituted reference to subsec. (a) of this section for reference to subsec. (c) of this section. Former subsec. (c) redesignated as subsec. (a).

Subsec. (d). Pub. L. 89-134, § 4(c), redesignated subsec. (d) as subsec. (b). Former subsec. (b) repealed.

Subsec. (e). Pub. L. 89-134, § 4(d), redesignated subsec. (e) as subsec. (c). Former subsec. (c) redesignated as subsec. (a).

1963—Subsec. (b). Pub. L. 88-200 deleted "so" preceding "employed".

1962—Subsec. (b). Pub. L. 87-793 substituted "but not in excess of the highest grade 18 of such general schedule" for "and of these not to exceed two may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year".

EFFECTIVE DATE OF 1965 AMENDMENT

Section 5(a) of Pub. L. 89-134 provided that: "Section 4 of this Act [repealing subsecs. (a) and (b) of this section, redesignating as subsecs. (a) to (c) of this section former subsecs. (c) to (e) respectively and an ending subsecs. (a) to (c) as redesignated] shall not become effective until the first day of the fourth pay period which begins after the date this Act becomes law. [Aug. 24, 1965]."

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-793 effective on the first day of the first pay period which begins on or after Oct. 11, 1962, see section 1008 of Pub. L. 87-793.

TRANSFER OF WASHINGTON HEADQUARTERS PERSONNEL FROM CIVIL SERVICE TO FOREIGN SERVICE APPOINTMENTS

Section 5(b) of Pub. L. 89-134 provided that:

"Under such regulations as the President may prescribe, each person employed under authorities repealed by section 4(a) of this Act [which repealed former subsecs. (a) and (b) of this section providing for employment of Washington headquarters personnel in accordance with standard civil service laws] immediately prior to the effective date of that section [see Effective Date of 1965 Amendment note above] shall effective on that date be appointed a Foreign Service Reserve officer or Foreign Service staff officer or employee under the authority of section 7(a)(2) of the Peace Corps Act [subsec. (a)(2) of this section], as amended, and appointed or assigned to an appropriate class thereof; except that—

"(1) no person who holds a career or career-conditional appointment immediately prior to the effective date of section 4(a) of this Act [see effective date of 1965 Amendment note above] shall, without his consent, be so appointed until three years after such effective date; and

"(2) each person so appointed who, immediately prior to the effective date of section 4(a) of this Act [see effective date of 1965 Amendment note above], held a career or career-conditional appointment at grade 8 or below of the General Schedule established by the Classification Act of 1949, as amended [see § 5101 et seq. of Title 5, Government Organization and Employees], shall receive an appointment for the duration of operations under the Peace Corps Act, as amended [see Short Title note set out under section 2501 of this title].

Each person appointed under this subsection shall receive basic compensation at the rate of his class determined by the President to be appropriate, but the rate of basic compensation received by such person immediately prior to the effective date of his appointment under this subsection shall not be reduced by the provisions of this subsection."

Functions of the President conferred by section 5(b) of Pub. L. 89-134, set out above to prescribe regulations and make determinations (relating to appointment of Peace Corps Employees in the Foreign Service System) delegated to the Director of ACTION [now Action Agency], see section 102(c) of Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, set out as a note under section 2501 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2514 of this title.

§ 2507. Training program

(a) Applicants for enrollment and enrolled volunteers

The President shall make provision for such training as he deems appropriate for each applicant for enrollment as a volunteer and each enrolled volunteer. All of the provisions of this chapter applicable respectively to volunteers and volunteer leaders shall be applicable to applicants for enrollment as such during any period of training occurring prior to enrollment, and the respective terms "volunteers" and "volunteer leaders" shall include such applicants during any such period of training.

(b) Citizen trainees for voluntary programs; foreign nationals as trainees; advances of funds or reimbursement basis; use of credits

The President may also make provision, on the basis of advances of funds or reimbursement to the United States, for training for citizens of the United States, other than those referred to in subsection (a) of this section, who have been selected for service abroad in programs not carried out under authority of this chapter which are similar to those authorized by this chapter. The provisions of section 2508 of this title shall apply, on a similar advance of funds or a reimbursement basis, with respect to persons while within the United States for training under authority of this subsection. Advances or reimbursements received under this subsection may be credited to the current applicable appropriation, fund, or account and shall be available for the purposes for which such appropriation, fund, or account is authorized to be used.

(c) Instruction in communism

Training hereinabove provided for shall include instruction in the philosophy, strategy, tactics, and menace of communism.

(Pub. L. 87-293, title I, § 8, Sept. 22, 1961, 75 Stat. 616.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2504 of this title; title 5 section 8142.

§ 2508. Foreign participants; admission into the United States as nonimmigrants; deportation

In order to provide for assistance by foreign nationals in the training of volunteers, and to permit effective implementation of Peace Corps projects with due regard for the desirability of cost-sharing arrangements, where appropriate, the President may make provision for transportation, housing, subsistence, or per diem in lieu thereof, and health care or health and accident insurance for foreign nationals engaged in activities authorized by this chapter while they are away from their homes, without regard to the provisions of any other law: *Provided, however,* That per diem in lieu of subsistence furnished to such persons shall not be at rates higher than those prescribed by the Secretary of State pursuant to section 2679 of title 22. Such persons, and persons coming to the United States under contract pursuant to section 2509(a)(4) of this title, may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 1101(a)(15) of title 8 for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General. A person admitted under this section who fails to maintain the status under which he was admitted or who fails to depart from the United States at the expiration of the time for which he was admitted, or who engages in activities of a political nature detrimental to the interests of the United States, or in activities not consistent with the security of the United States, shall, upon the warrant of the Attorney General, be taken into custody and promptly deported pursuant to sections 1251, 1252, and 1253 of title 8. Deportation proceedings under this section shall be summary and the findings of the Attorney General as to matters of fact shall be conclusive.

(Pub. L. 87-293, title I, § 9, Sept. 22, 1961, 75 Stat. 617.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

CODIFICATION

"Section 2679 of title 22" was classified (prior to the enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378) as section 170q of former Title 5, Executive Departments and Government Officers and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2507 of this title.

§ 2509. Presidential powers and authorities

(a) Contract authority; assignment of volunteers to international organizations; acceptance of voluntary services and gifts and transfers of property; personal service contracts

In furtherance of the purposes of this chapter, the President may—

(1) enter into, perform, and modify contracts and agreements and otherwise cooperate with any agency of the United States Government or of any State or any subdivision thereof, other governments and departments and agencies thereof, and educational institutions, voluntary agencies, farm organizations, labor unions, and other organizations, individuals and firms;

(2) assign volunteers in special cases to temporary duty with international organizations and agencies when the Secretary of State determines that such assignment would serve the purposes of this chapter: *Provided,* That not more than one hundred and twenty-five Peace Corps volunteers or volunteer leaders shall be assigned to international organizations as described in this section;

(3) accept in the name of the Peace Corps and employ or transfer in furtherance of the purposes of this chapter (A) voluntary services notwithstanding the provisions of section 665(b) of title 31, and (B) and money or property (real, personal or mixed, tangible or intangible) received by gift, devise, bequest, or otherwise; and

(4) contract with individuals for personal services abroad, and with aliens (abroad or within the United States) for personal services within the United States: *Provided,* That no such person shall be deemed an officer or employee or otherwise in the service or employment of the United States Government for any purpose.

(b) Claim settlements

Notwithstanding any other provision of law, whenever the President determines that it will further the purposes of this chapter, the President, under such regulations as he may prescribe, may settle and pay, in an amount not exceeding $10,000, any claim against the United States, for loss of or damage to real or personal property (including loss of occupancy or use thereof) belonging to, or for personal injury or death of, any person not a citizen or resident of the United States, where such claim arises abroad out of the act or omission of any Peace Corps employee or out of the act or omission of any volunteer, but only if such claim is presented in writing within one year after it accrues. Any amount paid in settlement of any claim under this subsection shall be accepted by the claimant in full satisfaction thereof and shall bar any further action or proceeding thereon.

(c) Three-year contract authority

Subject to any future action of the Congress, a contract or agreement which entails commitments for the expenditure of funds available for the purposes of this chapter, including commitments for the purpose of paying or providing for allowances and other benefits of volunteers authorized by sections 2504 and 2505 of this title, may extend at any time for not more than thirty-six months.

(d) Waiver of certain Federal laws

Whenever the President determines it to be in furtherance of the purposes of this chapter, functions authorized by this chapter may be performed without regard to such provisions of law (other than section 5 of title 41, section 252 of title 41, and the Renegotiation Act of 1951, as amended [50 App. U.S.C. 1211 et seq.]) regulating the making, performance, amendment, or

modification of contracts and the expenditure of Government funds as the President may specify.

(e) Allocation of funds

The President may allocate or transfer to any agency of the United States Government any funds available for carrying out the purposes of this chapter including any advance received by the United States from any country or international organization under authority of this chapter, but not to exceed 20 per centum in the aggregate of such funds may be allocated or transferred to agencies other than the Peace Corps. Such funds shall be available for obligation and expenditure for the purposes of this chapter in accordance with authority granted in this chapter or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(f) Utilization of other Government agency services and facilities

Any officer of the United States Government carrying out functions under this chapter may utilize the services and facilities of, or procure commodities from, any agency of the United States Government as the President shall direct, or with the consent of the head of such agency, and funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

(g) Reimbursement for commodities, services and facilities

In the case of any commodity, service, or facility procured from any agency of the United States Government under this chapter, reimbursement or payment shall be made to such agency from funds available under this chapter. Such reimbursement or payment shall be at replacement cost, or, if required by law, at actual cost, or at any other price authorized by law and agreed to by the owning or disposing agency. The amount of any such reimbursement or payment shall be credited to current applicable appropriations, funds, or accounts from which there may be procured replacements of similar commodities, services, or facilities, except that where such appropriations, funds, or accounts are not reimbursable except by reason of this subsection, and when the owning or disposing agency determines that such replacement is not necessary, any funds received in payment therefor shall be covered into the Treasury as miscellaneous receipts.

(Pub. L. 87-293, title I, § 10, Sept. 22, 1961, 75 Stat. 617; Pub. L. 88-200, § 5, Dec. 13, 1963, 77 Stat. 360; Pub. L. 89-134, § 6, Aug. 24, 1965, 79 Stat. 551; Pub. L. 89-572, § 6, Sept. 13, 1966, 80 Stat. 765; Pub. L. 93-49, § 2, June 25, 1973, 87 Stat. 99.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

The Renegotiation Act of 1951, as amended, referred to in subsec. (d), is act Mar. 23, 1951, ch. 15, 65 Stat. 7, as amended, which is classified principally to section 1211 et. seq. of Title 50 App., War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1211 of Title 50 App. and Tables volume.

AMENDMENTS

1973—Subsec. (d). Pub. L. 93-49 excepted from waiver of Federal laws the application of sections 5 and 252 of title 41.

1966—Subsec. (a)(3). Pub. L. 89-572 inserted "or transfer" following "and employ" and deleted ", and transfer such money or property to the government or other entities of the country or area with which the volunteers are serving, when such transfers would further the general purposes of the chapter".

1965—Subsec. (a)(3). Pub. L. 89-134 inserted "money or" following "and transfer such".

1963—Subsec. (a)(3). Pub. L. 88-200 added provision for transfer of property.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2504 of this title.

§ 2510. Reports to Congress

The President shall transmit to the Congress, at least once in each fiscal year, a report on operations under this chapter.

(Pub. L. 87-293, title I, § 11, Sept. 22, 1961, 75 Stat. 619.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

§ 2511. Repealed. Pub. L. 92-352, title IV, § 403, July 13, 1972, 86 Stat. 495

Section, Pub. L. 87-293, title I, § 12, Sept. 22, 1961, 75 Stat. 619, established the Peace Corps National Advisory Council, and set forth its composition, functions, and terms of members.

EFFECTIVE DATE OF REPEAL

Section 403 of Pub. L. 92-352 provided in part that the repeal of this section, and the abolition of the Peace Corps National Advisory Council, shall be effective 90 days after July 13, 1972.

§ 2512. Experts and consultants

(a) Employment; compensation, travel expenses and per diem; renewal of contracts

Experts and consultants or organizations thereof may, as authorized by section 3109 of title 5, be employed by the President for the performance of functions under this chapter, and individuals so employed may be compensated at rates not in excess of the per diem equivalent of the highest rate payable under section 5332 of title 5, and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence and other expenses at the applicable rate prescribed in the Standardized Government Travel Regulations, as amended from time to time, while so employed: *Provided*, That contracts for such employment may be renewed annually.

(b) Exemption from restrictions upon receipt of retirement benefits

Service of an individual as a member of the Council authorized to be established by section 2511 of this title or as an expert or consultant under subsection (a) of this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of sections 3323(b) and 8344 of title 5, section 1112 of this title, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 5532 of title 5.

(Pub. L. 87-293, title I, § 13, Sept. 22, 1961, 75 Stat. 619; Pub. L. 88-200, § 6, Dec. 13, 1963, 77 Stat. 360; Pub. L. 88-448, title IV, § 401(c), Aug. 19, 1964, 78 Stat. 490; Pub. L. 91-352, § 6, July 24, 1970, 84 Stat. 465.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

Section 2511 of this title, referred to in subsec. (b), was repealed by Pub. L. 92-352, title IV, § 403, July 13, 1972, 86 Stat. 495.

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-352, § 6(a), substituted "section 3109 of title 5" for "section 55a of title 5" and "the per diem equivalent of the highest rate payable under section 5332 of title 5" for "$75 per diem".

Subsec. (b). Pub. L. 91-352, § 6(b), substituted "sections 3323(b) and 8344 of title 5" and "section 5532 of title 5" for "section 2263 of title 5" and "section 3102 of title 5", respectively.

1964—Subsec. (b). Pub. L. 88-448 eliminated provisions which stated that such service shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 59a of title 5, and inserted words ", subject to section 3102 of title 5".

1963—Subsec. (a). Pub. L. 88-200, § 6(a), substituted "President" for "Peace Corps".

Subsec. (b). Pub. L. 88-200, § 6(b), deleted provisions for exemption from conflict-of-interest laws and restrictions upon receipt of compensation.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-448 effective on the first day of the first month which begins later than the ninetieth day following Aug. 19, 1964, see section 403 of Pub. L. 88-448.

PEACE CORPS NATIONAL ADVISORY COUNCIL

Abolition of Peace Corps National Advisory Council, see section 2511 of this title.

§ 2513. Assignment of personnel to foreign governments or international organizations

(a) Authority; oath of allegiance

In furtherance of the purposes of this chapter, the head of any agency of the United States Government is authorized to detail, assign, or otherwise make available any officer or employee of his agency (1) to serve with, or as a member of, the international staff of any international organization, or (2) to any office or position to which no compensation is attached with any foreign government or agency thereof: *Provided*, That such acceptance of such office or position shall in no case involve the taking of an oath of allegiance to another government.

(b) Benefits of detailed personnel

Any such officer or employee, while so detailed or assigned, shall be considered, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned, and he shall continue to receive compensation, allowances, and benefits from funds authorized by this chapter. He may also receive, under such regulations as the President may prescribe, representation allowances similar to those allowed under section 1131 of this title. The authorization of such allowances and other benefits, and the payment thereof out of any appropriations available therefor, shall be considered as meeting all of the requirements of section 5536 of title 5.

(c) Reimbursement provisions

Details or assignments may be made under this section—

(1) without reimbursement to the United States Government by the international organization or foreign government;

(2) upon agreement by the international organization or foreign government to reimburse the United States Government for compensation, travel expenses, and allowances, or any part thereof, payable to such officer or employee during the period of assignment or detail in accordance with subsection (b) of this section; and such reimbursement shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, or allowances, or to the appropriation, fund, or account currently available for such purpose; or

(3) upon an advance of funds, property or services to the United States Government accepted with the approval of the President for specified uses in furtherance of the purposes of this chapter; and funds so advanced may be established as a separate fund in the Treasury of the United States Government, to be available for the specified uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this chapter, any unexpended balance of such account to be returned to the foreign government or international organization.

(Pub. L. 87-293, title I, § 14, Sept. 22, 1961, 75 Stat. 620; Pub. L. 91-352, § 7, July 24, 1970, 84 Stat. 465.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

AMENDMENTS

1970—Subsec. (b). Pub. L. 91-352 substituted "section 5536 of title 5" for "section 70 of title 5".

§ 2514. Use of funds

(a) Administrative and other expenses

Funds made available for the purposes of this chapter may be used for compensation, allowances and travel of employees, including Foreign Service personnel whose services are utilized primarily for the purposes of this chapter, for printing and binding without regard to the provisions of any other law, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of employees) without regard to such laws and regulations governing the obligation and expenditure of Government funds as may be necessary to accomplish the purposes of this chapter.

(b) Travel expenses abroad; transportation of personal effects, household goods and automobiles; storage

Funds made available for the purposes of this chapter may be used to pay expenses in connection with travel abroad of employees and, to the extent otherwise authorized by this chapter, of volunteers, including travel expenses of dependents (including expenses during necessary stopovers while engaged in such travel), and transportation of personal effects, household goods, and automobiles when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year, and cost of transporting to and from a place of storage, and the cost of storing automobiles of employees when it is in the public interest or more economical to authorize storage.

(c) Costs of training personnel employed or assigned overseas

Funds available under this chapter may be used to pay costs of training employees employed or assigned pursuant to section 2506(a)(2) of this title (through interchange or otherwise) at any State or local unit of government, public or private nonprofit institution, trade, labor, agricultural, or scientific association or organization, or commercial firm; and the provisions of sections 1881 to 1888 of title 7 may be used to carry out the foregoing authority notwithstanding that interchange of personnel may not be involved or that the training may not take place at the institutions specified in sections 1881 to 1888 of title 7. Any payments or contributions in connection therewith may, as deemed appropriate by the head of the agency of the United States Government authorizing such training, be made by private or public sources and be accepted by any trainee, or may be accepted by and credited to the current applicable appropriation of such agency: *Provided, however,* That any such payments to an employee in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

(d) Payment of expenses

Funds available for the purposes of this chapter shall be available for—

(1) rent of buildings and space in buildings in the United States, and for repair, alteration, and improvement of such leased properties;

(2) expenses of attendance at meetings concerned with the purposes of this chapter, including (notwithstanding the provisions of section 673 of title 31) expenses in connection with meetings of persons whose employment is authorized by section 2512(a) of this title;

(3) rental and hire of aircraft;

(4) purchase and hire of passenger motor vehicles: *Provided,* That, except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes abroad may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles, and the cost, including exchange allowance, of each such replacement shall not exceed $2,500 in the case of an automobile for any Peace Corps country representative appointed under section 2506(c) of this title: *Provided further,* That passenger motor vehicles may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act;

(5) entertainment (not to exceed $5,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act);

(6) exchange of funds without regard to section 543 of title 31 and loss by exchange;

(7) expenditures (not to exceed $5,000 in any fiscal year except as may be otherwise provided in an appropriation or other Act) not otherwise authorized by law to meet unforeseen emergencies or contingencies arising in the Peace Corps: *Provided,* That a certificate of the amount only of each such expenditure and that such expenditure was necessary to meet an unforeseen emergency or contingency, made by the Director of the Peace Corps or his designee, shall be deemed a sufficient voucher for the amount therein specified;

(8) insurance of official motor vehicles acquired for use abroad;

(9) rent or lease abroad for not to exceed five years of offices, health facilities, buildings, grounds, and living quarters, and payments therefor in advance; maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for its use abroad; and costs of fuel, water, and utilities for such properties;

(10) expenses of preparing and transporting to their former homes, or, with respect to foreign participants engaged in activities under this chapter, to their former homes or places of burial, and of care and disposition of, the remains of persons or members of the families of persons who may die while such persons are away from their homes participating in activities under this chapter;

(11) use in accordance with authorities of the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.], not otherwise provided for; and

(12) ice and drinking water for use abroad.

(Pub. L. 87-293, title I, § 15, Sept. 22, 1961, 75 Stat. 621; Pub. L. 89-134, § 7, Aug. 24, 1965, 79 Stat. 551; Pub. L. 89-572, § 3, Sept. 13, 1966, 80 Stat. 765.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

Sections 1881 to 1888 of title 7, referred to in subsec. (c), were repealed by Pub. L. 91-648, title IV, § 403, Jan. 5, 1971, 84 Stat. 1925 and are now covered by section 3371 et seq. of Title 5, Government Organization and Employees.

The Foreign Service Act of 1946, as amended, referred to in subsec. (d), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

AMENDMENTS

1966—Subsec. (c). Pub. L. 89-572, § 3(a), substituted "2506(a)(2)" for "2506(c)(2)".

Subsec. (d)(4). Pub. L. 89-572, § 3(b), substituted "2506(c)" for "2506(e)".

1965—Subsec. (c). Pub. L. 89-134 struck out provision that training not be considered employment or holding of office under section 62 of title 5.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED FISCAL YEAR

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed fiscal year for purposes of subsec. (b) of this section, see Pub. L. 94-274, title II, § 201(16), Apr. 21, 1976, 90 Stat. 390, set out as a note under section 343 of Title 7, Agriculture.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976; LIMITATION ON EXPENDITURES

Pub. L. 94-274, title I, § 112(a), Apr. 21, 1976, 90 Stat. 388, limited to $1,500, for the period of July 1, 1976 through Sept. 30, 1976, the expenditures in section 2514(d)(5) and (d)(7) of this title.

§ 2515. Repealed. Pub. L. 89-572, § 5(a), Sept. 13, 1966, 80 Stat. 765

Section, Pub. L. 87-293, title I, § 16, Sept. 22, 1961, 75 Stat. 622, related to appointment of persons serving under prior law.

REPEALS; AMENDMENTS AND APPLICATION OF AMENDMENTS UNAFFECTED; CONTINUATION OF DETERMINATIONS, AUTHORIZATION, REGULATIONS, ORDERS, CONTRACTS, AGREEMENTS, AND OTHER ACTIONS

Section 5 of Pub. L. 89-572, Sept. 13, 1966, 80 Stat. 765, provided that:

"(a) Section 16 of the Peace Corps Act, as amended [this section], which relates to appointment of persons serving under prior law, section 20 of the Peace Corps Act, as amended, which relates to moratorium on student loans [amending section 425 of title 20], section 21 of the Peace Corps Act, as amended, which amends the Civil Service Retirement Act [section 8301 et seq. of title 5], and title II of the Act, which relates to Internal Revenue Code and Social Security Act amendments [amending sections 912, 1303, 3121, 3122, 3401 and 6051 of title 26, and sections 405, 409 and 410 of title 42, and notes under sections 912 and 3121 of title 26] are hereby repealed.

"(b) Such repeal shall not be deemed to affect amendments contained in such provisions and the application of the amendments contained in the title. All determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of the provisions of law repealed by subsection (a) shall continue in full force and effect until modified by appropriate authority."

§ 2516. Use of foreign currencies

Whenever possible, expenditures incurred in carrying out functions under this chapter shall be paid for in such currency of the country or area where the expense is incurred as may be available to the United States.

(Pub. L. 87-293, title I, § 17, Sept. 22, 1961, 75 Stat. 623.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

§ 2517. Mutual defense assistance control provisions applicable; exceptions

The Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.) shall apply with respect to functions carried out under this chapter except in cases where the President shall determine that such application would be detrimental to the interests of the United States.

(Pub. L. 87-293, title I, § 18, Sept. 22, 1961, 75 Stat. 623.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

The Mutual Defense Assistance Control Act of 1951, referred to in the text, is act Oct. 26, 1951, ch. 575, 65 Stat. 644, which is classified principally to chapter 20A (§ 1611 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1611 of this title and Tables volume.

§ 2518. Seal and name

(a) Judicial notice

The President may adopt, alter, and use an official seal or emblem of the Peace Corps of such design as he shall determine, which shall be judicially noticed.

(b) Exclusiveness of use; penalties for violations; injunctions

(1) The use of the official seal or emblem and the use of the name "Peace Corps" shall be restricted exclusively to designate programs authorized under this chapter.

(2) Whoever, whether an individual, partnership, corporation, or association, uses the seal for which provision is made in this section, or any sign, insignia, or symbol in colorable imitation thereof, or the words "Peace Corps" or any combination of these or other words or characters in colorable imitation thereof, other than to designate programs authorized under this chapter, shall be fined not more than $500 or imprisoned not more than six months, or both. A violation of this subsection may be enjoined at the suit of the Attorney General, United

States attorneys, or other persons duly authorized to represent the United States.

(Pub. L. 87-293, title I, § 19, Sept. 22, 1961, 75 Stat. 623; Pub. L. 88-200, § 7, Dec. 13, 1963, 77 Stat. 360.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

AMENDMENTS

1963—Pub. L. 88-200 designated existing provisions as subsec. (a) and added subsec. (b).

CROSS REFERENCES

Emblems, insignia and names, unauthorized use, see section 701 of Title 18, Crimes and Criminal Procedure.

§ 2519. Security investigations

All persons employed or assigned to duties under this chapter shall be investigated to insure that the employment or assignment is consistent with the national interest in accordance with standards and procedures established by the President. If an investigation made pursuant to this section develops any data reflecting that the person who is the subject of the investigation is of questionable loyalty or is a questionable security risk, the investigating agency shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation. The results of that full field investigation shall be furnished to the initial investigating agency, and to the agency by which the subject person is employed, for information and appropriate action. Volunteers shall be deemed employees of the United States Government for the purpose of this section.

(Pub. L. 87-293, title I, § 22, Sept. 22, 1961, 75 Stat. 624.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

§ 2520. Military training and service exemption

Notwithstanding the provisions of any other law or regulation, service in the Peace Corps as a volunteer shall not in any way exempt such volunteer from the performance of any obligations or duties under the provisions of the Universal Military Training and Service Act [50 App. U.S.C. 451 et seq.].

(Pub. L. 87-293, title I, § 23, Sept. 22, 1961, 75 Stat. 624.)

REFERENCES IN TEXT

The Universal Military Training and Service Act, referred to in text, renamed the "Military Selective Service Act of 1967", by Pub. L. 90-40, § 1(1), June 30, 1967, 81 Stat. 100, is act June 24, 1948, ch. 625, 62 Stat. 604, which is classified principally to section 451 et seq. of Title 50 App., War and National Defense. For complete classification of this Act to the Code, see References in Text note set out under section 451 of Title 50 App. and Tables volume.

§ 2521. Foreign language proficiency

No person shall be assigned to duty as a volunteer under this chapter in any foreign country or area unless at the time of such assignment he possesses such reasonable proficiency as his assignment requires in speaking the language of the country or area to which he is assigned.

(Pub. L. 87-293, title I, § 24, Sept. 22, 1961, 75 Stat. 624.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

§ 2522. Definitions

(a) The term "abroad" means any area outside the United States.

(b) The term "United States" means the several States and the District of Columbia.

(c) The term "function" includes any duty, obligation, right, power, authority, responsibility, privilege, discretion, activity, and program.

(d) The term "health care" includes all appropriate examinations, preventive, curative and restorative health and medical care, and supplementary services when necessary.

(e) For the purposes of this chapter or any other Act, the period of any individual's service as a volunteer under this chapter shall include—

(i) except for the purposes of section 2504(f) of this title, any period of training under section 2507(a) of this title prior to enrollment as a volunteer under this chapter; and

(ii) the period between enrollment as a volunteer and the termination of service as such volunteer by the President or by death or resignation.

(f) The term "United States Government agency" includes any department, board, wholly or partly owned corporation, or instrumentality, commission, or establishment of the United States Government.

(g) The word "transportation" in sections 2504(b), 2504(m), and 2505(2) of this title includes transportation of not to exceed three hundred pounds per person of unaccompanied necessary personal and household effects.

(Pub. L. 87-293, title I, § 25, Sept. 22, 1961, 75 Stat. 624; Pub. L. 89-572, § 4, Sept. 13, 1966, 80 Stat. 765; Pub. L. 91-352, § 8, July 24, 1970, 84 Stat. 465.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (e), was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

AMENDMENTS

1970—Subsec. (g). Pub. L. 91-352 inserted reference to section 2504(m) of this title.

1966—Subsec. (b). Pub. L. 89-572 struck out territories from the definition of United States.

CROSS REFERENCE

Volunteers, see section 2505 of this title.

§ 2523. Separability of provisions

If any provision of this chapter or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this chapter and the applicability of such provision to other circumstances or persons shall not be affected thereby.

(Pub. L. 87-293, title I, § 26, Sept. 22, 1961, 75 Stat. 625.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables volume.

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SUBCHAPTER I—GENERAL PROVISIONS

§ 2551. Congressional statement of purpose

An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. It is the purpose of this chapter to provide impetus toward this goal by creating a new agency of peace to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament.

Arms control and disarmament policy, being an important aspect of foreign policy, must be consistent with national security policy as a whole. The formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security can best be insured by a central organization charged by statute with primary responsibility for this field. This organization must have such a position within the Government that it can provide the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States arms control and disarmament policy, and can assess the effect of these recommendations upon our foreign policies, our national security policies, and our economy.

This organization must have the capacity to provide the essential scientific, economic, political, military, psychological, and technological information upon which realistic arms control and disarmament policy must be based. It shall have the authority, under the direction of the President and the Secretary of State, to carry out the following primary functions:

(a) The conduct, support, and coordination of research for arms control and disarmament policy formulation;

(b) The preparation for and management of United States participation in international negotiations in the arms control and disarmament field;

(c) The dissemination and cordination of public information concerning arms control and disarmament; and

(d) The preparation for, operation of, or as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

(Pub. L. 87-297, title I, § 2, Sept. 26, 1961, 75 Stat. 631; Pub. L. 94-141, title I, § 144, Nov. 29, 1975, 89 Stat. 758.)

AMENDMENTS

1975—Pub. L. 94-141 substituted "It shall have the authority, under the direction of the President and the Secretary of State," for "It must be able".

SHORT TITLE

Section 1 of Pub. L. 87-297 provided that: "This Act [enacting this chapter] may be cited as the 'Arms Control and Disarmament Act'."

CONVENTIONAL ARMS TRADE; REPORT TO CONGRESS

Pub. L. 93-559, § 51, Dec. 30, 1974, 88 Stat. 1817, provided that:

"(a) It is the sense of the Congress that the recent growth in international transfers of conventional arms to developing nations—

"(1) is a cause for grave concern for the United States and other nations in that in particular areas of the world it increases the danger of potential violence among nations, and diverts scarce world resources from more peaceful uses; and

"(2) could be controlled progressively through negotiations and agreements among supplier and recipient nations.

"(b) Therefore, the President is urged to propose to the Geneva Conference of the Committee on Disarmament that it consider as a high priority agenda item discussions among participating nations of that Conference for the purposes of—

"(1) agreeing to workable limitations on conventional arms transfers; and

"(2) establishing a mechanism through which such limitations could be effectively monitored.

"(c) The President shall transmit to the Congress not later than six months after the enactment of this Act [Dec. 30, 1974] a report setting forth the steps he has taken to carry out this section."

§ 2552. Definitions

As used in this chapter—

(a) The terms "arms control" and "disarmament" mean the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement including the necessary steps taken under such an agreement to establish an effective system of international control, or to create and strengthen international organizations for the maintenance of peace.

(b) The term "Government agency" means any executive department, commission, agency, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of Government.

(c) The term "Agency" means the United States Arms Control and Disarmament Agency.

(Pub. L. 87-297, title I, § 3, Sept. 26, 1961, 75 Stat. 631.)

SUBCHAPTER II—ORGANIZATION

§ 2561. United States Arms Control and Disarmament Agency

There is established an agency to be known as the "United States Arms Control and Disarmament Agency".

(Pub. L. 87-297, title II, § 21, Sept. 26, 1961, 75 Stat. 632.)

§ 2562. Director of Agency; appointment; powers and duties

The Agency shall be headed by a Director, who shall serve as the principal adviser to the

Secretary of State, the National Security Council, and the President on arms control and disarmament matters. In carrying out his duties under this chapter the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters, as defined in this chapter. He shall be appointed by the President, by and with the advice and consent of the Senate.

(Pub. L. 87-297, title II, § 22, Sept. 26, 1961, 75 Stat. 632; Pub. L. 88-426, title III, § 305(17)(A), Aug. 14, 1964, 78 Stat. 424; Pub. L. 94-141, title I, § 145, Nov. 29, 1975, 89 Stat. 758.)

AMENDMENTS

1975—Pub. L. 94-141 added "the National Security Council," following "Secretary of State" in the first sentence.

1964—Pub. L. 88-426 repealed provisions which prescribed the compensation of the Director.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-416.

CROSS REFERENCES

Compensation of Director, see section 5313 of Title 5, Government Organization and Employees.

§ 2563. Deputy Director of Agency; appointment; powers and duties

A Deputy Director of the Agency shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe. He shall act for, and exercise the powers of, the Director during his absence or disability or during a vacancy in said office.

(Pub. L. 87-297, title II, § 23, Sept. 26, 1961, 75 Stat. 632; Pub. L. 88-426, title III, § 305(17)(B), Aug. 14, 1964, 78 Stat. 424.)

AMENDMENTS

1964—Pub. L. 88-426 repealed provisions which prescribed the salary of the Deputy Director.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

CROSS REFERENCES

Compensation of Deputy Director, see section 5315 of Title 5, Government Organization and Employees.

§ 2564. Assistant Directors of Agency; number; appointment; powers and duties

Not to exceed four Assistant Directors may be appointed by the President, by and with the advice and consent of the Senate. They shall perform such duties and exercise such powers as the Director may prescribe.

(Pub. L. 87-297, title II, § 24, Sept. 26, 1961, 75 Stat. 632; Pub. L. 88-426, title III, § 305(17)(C), Aug. 14, 1964, 78 Stat. 424.)

AMENDMENTS

1964—Pub. L. 88-426 repealed provisions which prescribed the compensation of the Assistant Directors.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

CROSS REFERENCES

Compensation of Assistant Directors, see section 5316 of Title 5, Government Organization and Employees.

§ 2565. Bureaus, offices and divisions of Agency

The Director, under the direction of the Secretary of State, may establish within the Agency such bureaus, offices, and divisions as he may determine to be necessary to discharge his responsibilities under this chapter, including, but not limited to, an Office of the General Counsel.

(Pub. L. 87-297, title II, § 25, Sept. 26, 1961, 75 Stat. 632.)

CROSS REFERENCES

Compensation of General Counsel, see section 5316 of Title 5, Government Organization and Employees.

§ 2566. General Advisory Committee; number; appointment; compensation and expenses; powers and duties; Chairman; meetings

The President, by and with the advice and consent of the Senate, may appoint a General Advisory Committee of not to exceed fifteen members to advise the Director on arms control and disarmament policy and activities. The President shall designate one of the members as Chairman. The members of the committee may receive the compensation and reimbursement for expenses specified for consultants by section 2581(d) of this title. The Committee shall meet at least twice each year. It shall from time to time advise the President, the Secretary of State, and the Disarmament Director respecting matters affecting arms control, disarmament, and world peace.

(Pub. L. 87-297, title II, § 26, Sept. 26, 1961, 75 Stat. 632.)

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2584 of this title.

SUBCHAPTER III—FUNCTIONS

§ 2571. Research, development and other studies

The Director is authorized and directed to exercise his powers in such manner as to insure the acquisition of a fund of theoretical and practical knowledge concerning disarmament. To this end, the Director is authorized and directed, under the direction of the President, (1) to insure the conduct of research, development, and other studies in the field of arms control and disarmament; (2) to make arrangements (including contracts, agreements, and grants) for the conduct of research, development, and other studies in the field of arms control and disarmament by United States private or public institutions or persons; and (3) to coordinate the research, development, and other studies conducted in the field of arms control and disarmament by or for other Government agencies in accordance with procedures established under section 2575 of this title. In carrying out his responsibilities under this chapter, the Director shall, to the maximum extent feasible, make full use of available facilities, Government and private. The authority of the Director with respect to research, development, and other studies shall be limited to participation in the following insofar as they relate to arms control and disarmament:

(a) Control, reduction and elimination of armed forces and armaments

the detection, identification, inspection, monitoring, limitation, reduction, control, and elimination of armed forces and armaments, including thermonuclear, nuclear, missile, conventional, bacteriological, chemical, and radiological weapons:

(b) Weapon detection and identification tests

the techniques and systems of detecting, identifying, inspecting, and monitoring of tests of nuclear, thermonuclear, and other weapons;

(c) Analysis of national budgets and economic indicators

the analysis of national budgets, levels of industrial production, and economic indicators to determine the amounts spent by various countries for armaments;

(d) Space, earth's surface and underwater regions

the control, reduction, and elimination of armed forces and armaments in space, in areas on and beneath the earth's surface, and in underwater regions;

(e) Structure and operation of international control

the structure and operation of international control and other organizations useful for arms control and disarmament;

(f) Training of control system personnel

the training of scientists, technicians, and other personnel for manning the control systems which may be created by international arms control and disarmament agreements;

(g) Danger of war from accident, miscalculation, or surprise attack

the reduction and elimination of the danger of war resulting from accident, miscalculation, or possible surprise attack, including (but not limited to) improvements in the methods of communications between nations;

(h) Economic and political consequences of disarmament

the economic and political consequences of arms control and disarmament, including the problems of readjustment arising in industry and the reallocation of national resources;

(i) Disarmament implications of foreign and national security policies of United States

the arms control and disarmament implications of foreign and national security policies of the United States with a view to a better understanding of the significance of such policies for the achievement of arms control and disarmament;

(j) National security and foreign policy implications of disarmament

the national security and foreign policy implications of arms control and disarmament proposals with a view to a better understanding of the effect of such proposals upon national security and foreign policy;

(k) Methods for maintenance of peace and security during stages of disarmament

methods for the maintenance of peace and security during different stages of arms control and disarmament;

(l) War prevention factors

the scientific, economic, political, legal, social, psychological, military, and technological factors related to the prevention of war with a view to a better understanding of how the basic structure of a lasting peace may be established;

(m) Other related problems

such related problems as the Director may determine to be in need of research, development, or study in order to carry out the provisions of this chapter.

(Pub. L. 87-297, title III, § 31, Sept. 26, 1961, 75 Stat. 633; Pub. L. 88-186, § 5, Nov. 26, 1963, 77 Stat. 342.)

AMENDMENTS

1963—Pub. L. 88-186 inserted "United States" preceding "private" in clause (2) of opening par.

REPORT ON INTERNATIONAL TRANSFER OF CONVENTIONAL ARMS

Pub. L. 92-352, title III, § 302, July 13, 1972, 86 Stat. 495, provided that the Arms Control and Disarmament Agency, with the cooperation of other agencies, prepare a comprehensive report on the international transfer of conventional arms and submit this report no later than one year after July 13, 1972, with an interim report submitted no later than six months after July 13, 1972.

§ 2572. Patents; availability to general public; protection of background rights

All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this chapter, shall be provided for in such manner that all information as to uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Director may find to be necessary in the public interest) be available to the general public. This section shall not be so construed as to deprive the owner of any background patent

relating thereto of such rights as he may have thereunder.

(Pub. L. 87-297, title III, § 32, Sept. 26, 1961, 75 Stat. 634.)

§ 2573. Policy formulation

The Director is authorized and directed to prepare for the President, the Secretary of State, and the heads of such other Government agencies, as the President may determine, recommendations concerning United States arms control and disarmament policy: *Provided, however,* That no action shall be taken under this chapter or any other law that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except pursuant to the treaty making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States. Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.

(Pub. L. 87-297, title III, § 33, Sept. 26, 1961, 75 Stat. 634; Pub. L. 88-186, § 3, Nov. 26, 1963, 77 Stat. 342.)

Amendments

1963—Pub. L. 88-186 added provision precluding construction of this chapter to authorize the regulation of the possession of firearms by an individual.

§ 2574. Negotiations and related functions

Under the direction of the Secretary of State—

(a) Consultation with the representatives of the United States and other nations

the Director, for the purpose of conducting negotiations concerning arms control and disarmament or for the purpose of exercising any other authority given him by this chapter, may (1) consult and communicate with or direct the consultation and communication with representatives of other nations or of international organizations and (2) communicate in the name of the Secretary with diplomatic representatives of the United States in this country and abroad.

(b) Official policy on arms control to United States Information Agency for Dissemination

the Director shall perform functions pursuant to section 2(c) of Reorganization Plan 8 of 1953 with respect to providing to the United States Information Agency official United States positions and policy on arms control and disarmament matters for dissemination abroad.

(c) Plans for inspection and control system

the Director is authorized (1) to formulate plans and make preparations for the establishment, operation, and funding of inspection and control systems which may become part of the United States arms control and disarmament activities, and (2) as authorized by law, to put into effect, direct, or otherwise assume United States responsibility for such systems.

(Pub. L. 87-297, title III, § 34, Sept. 26, 1961, 75 Stat. 634.)

References in Text

Reorganization Plan 8 of 1953, referred to in subsec. (b), is set out in the Appendix to Title 5, Government Organization and Employees.

§ 2575. Coordination of Government agencies and resolution of policy differences

The President is authorized to establish procedures to (1) assure cooperation, consultation, and a continuing exchange of information between the Agency and the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration and other affected Government agencies, in all significant aspects of United States arms control and disarmament policy and related matters, including current and prospective policies, plans, and programs, (2) resolve differences of opinion between the Director and such other agencies which cannot be resolved through consultation, and (3) provide for presentation to the President of recommendations of the Director with respect to such differences, when such differences involve major matters of policy and cannot be resolved through consultation.

(Pub. L. 87-297, title III, § 35, Sept. 26, 1961, 75 Stat. 635.)

Abolition of the Atomic Energy Commission

The Atomic Energy Commission was abolished and all functions of the Commission, and the officers and components of the Commission were transferred to and vested in the Administrator of the Energy Research and Development Administration with certain exceptions, by Pub. L. 93-438, Oct. 11, 1974, 88 Stat. 1233. See section 5814 of Title 42, The Public Health and Welfare.

Ex. Ord. No. 11044. Interagency Coordination

Ex. Ord. No. 11044, Aug. 20, 1962, 27 F.R. 8341, provided:

WHEREAS there has been established by law the United States Arms Control and Disarmament Agency; and

WHEREAS the Arms Control and Disarmament Act [this chapter] provides that the Director of that Agency shall be the principal adviser to the Secretary of State and the President on Arms control and disarmament matters and requires the Director to assume primary responsibility within the Government for such matters under the direction of the Secretary of State; and

WHEREAS the Act [this chapter] authorizes and directs the said Director to coordinate significant aspects of the United States arms control and disarmament policy and related matters; and

WHEREAS it is desirable that the President establish procedures for coordination, and for the resolution of differences of opinion between the United States Arms Control and Disarmament Agency and other affected Government agencies, concerning all significant aspects of arms control and disarmament policy and related matters:

NOW, THEREFORE, by virtue of the authority vested in me by the Arms Control and Disarmament Act (75 Stat. 631; 50 U.S.C. 1501 et seq.) [now classified to this chapter], and as President of the United States, it is hereby ordered as follows:

Section 1. *Definitions.* As used hereinafter:

(a) The word "Director" means the Director of the United States Arms Control and Disarmament Agency.

(b) The term "affected agencies" shall include the Department of Defense, the Atomic Energy Commis-

sion, the Central Intelligence Agency, the National Aeronautics and Space Administration, and, when not inappropriate in the context, the United States Arms Control and Disarmament Agency, and shall include also such other agencies as the Director may designate hereunder.

(c) The terms "arms control" and "disarmament" shall be defined as they are defined in section 3(a) of the Arms Control and Disarmament Act [section 2552(a) of this title].

(d) The term "related matters" shall include those matters which are necessary to, desirable for, or otherwise directly connected with the functions described in sections 3 and 4 of this order.

SEC. 2. *Cooperation.* The Director and the heads of affected agencies shall keep each other fully and currently informed on all significant aspects of United States arms control and disarmament policy and related matters, including current and prospective policies, plans and programs. Differences of opinion concerning arms control and disarmament policy and related matters arising between the United States Arms Control and Disarmament Agency and other affected agencies with respect to such subjects which involve major matters of policy and cannot be resolved through consultation shall be promptly referred to the President for decision. In such instances the head of an agency presenting recommendations with respect to such differences to the President shall give the heads of affected agencies notice of the occasion for and substance of his recommendations.

SEC. 3. *Policy coordination.* (a) The Director shall establish procedures consistent with this order and the Arms Control and Disarmament Act [this chapter] to assure coordination of:

(1) his recommendations to the Secretary of State and the President and to the heads of affected agencies relating to United States arms control and disarmament policy;

(2) Government planning for the conduct and support of research for arms control and disarmament policy formulation, including the comprehensive and balanced plan provided for in Section 4 of this order;

(3) Government planning for the dissemination of public information concerning arms control and disarmament;

(4) the preparation for and management of United States participation in international negotiations in the arms control and disarmament field; and

(5) the preparation for, operation of or, as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

(b) The Director shall exercise leadership in assuring that differences of opinion concerning arms control and disarmament policy and related matters are resolved expeditiously and shall take such steps as may be appropriate in order to produce common or harmonious action among the agencies concerned.

SEC. 4. *Research.* With the advice and assistance of affected agencies, the Director shall develop and keep current a comprehensive and balanced program of research, development and other studies needed to be conducted by or for the Government for arms control and disarmament policy formulation. The Director shall maintain a continuing inventory of Federal activities related to the planned program and advise the affected agencies as to their respective participations in the planned program in order to produce harmonious action and prevent duplication of effort. The Director shall periodically submit to the Director of the Bureau of the Budget a consolidated schedule of such activities with assessments of their respective programs by the responsible agencies, together with his evaluations regarding these activities.

SEC. 5. *Force and armament levels.* The Secretary of Defense shall keep the Director informed with respect to the planning of armed forces levels and armaments and, for consideration in connection with such planning, the Director shall furnish the Secretary of Defense statements of existing and projected arms control and disarmament policies.

JOHN F. KENNEDY.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2571, 2576 of this title.

§ 2576. Arms control impact information and analysis

(a) Access by Director to detailed information of Government agencies preparing legislative or budgetary proposals; nature of proposals; applicable procedures

In order to assist the Director in the performance of his duties with respect to arms control and disarmament policy and negotiations, any Government agency preparing any legislative or budgetary proposal for—

(1) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to nuclear armaments, nuclear implements of war, military facilities or military vehicles designed or intended primarily for the delivery of nuclear weapons,

(2) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to armaments, ammunition, implements of war, or military facilities, having—

(A) an estimated total program cost in excess of $250,000,000, or

(B) an estimated annual program cost in excess of $50,000,000, or

(3) any other program involving weapons systems or technology which such Government agency or the Director believes may have a significant impact on arms control and disarmament policy or negotiations,

shall, on a continuing basis, provide the Director with full and timely access to detailed information, in accordance with the procedures established pursuant to section 2575 of this title, with respect to the nature, scope, and purpose of such proposal.

(b) Program assessment, analysis and recommendations by Director to National Security Council, Office of Management and Budget, and proposing agency; requests for authorization or appropriation; contents; information requested by select Congressional committees

(1) The Director, as he deems appropriate, shall assess and analyze each program described in subsection (a) of this section with respect to its impact on arms control and disarmament policy and negotiations, and shall advise and make recommendations, on the basis of such assessment and analysis, to the National Security Council, the Office of Management and Budget, and the Government agency proposing such program.

(2) Any request to the Congress for authorization or appropriations for—

(A) any program described in subsection (a)(1) or (2) of this section, or

(B) any program described in subsection (a)(3) of this section and found by the National Security Council, on the basis of the advice and recommendations received from the Director, to have a significant impact on

arms control and disarmament policy or negotiations,

shall include a complete statement analyzing the impact of such program on arms control and disarmament policy and negotiations.

(3) Upon the request of the Committee on Armed Services of the Senate or the House of Representatives, the Committee on Appropriations of the Senate or the House of Representatives, the Committee on Foreign Relations of the Senate, or the Committee on International Relations of the House of Representatives or the Joint Committee on Atomic Energy, the Director shall, after informing the Secretary of State, advise such committee on the arms control and disarmament implications of any program with respect to which a statement has been submitted to the Congress pursuant to paragraph (2).

(c) Prohibition of courts to compel statutory performance or review adequacy of statutory performance of Government agencies or Director

No court shall have any jurisdiction under any law to compel the performance of any requirement of this section or to review the adequacy of the performance of any such requirement on the part of any Government agency (including the Agency and the Director).

(Pub. L. 87-297, title III, § 36, as added Pub. L. 94-141, title I, § 146, Nov. 29, 1975, 89 Stat. 758.)

SUBCHAPTER IV—ADDITIONAL GENERAL PROVISIONS

§ 2581. General authority of Director

In the performance of his functions, the Director is authorized to—

(a) Utilization of other Federal agencies; general administrative services; transfers of supplies, equipment and surplus property

utilize or employ the services, personnel, equipment, or facilities of any other Government agency, with the consent of the agency concerned, to perform such functions on behalf of the Agency as may appear desirable. It is the intent of this section that the Director rely upon the Department of State for general administrative services in the United States and abroad to the extent agreed upon between the Secretary of State and the Director. Any Government agency is authorized, not withstanding any other provision of law, to transfer to or to receive from the Director, without reimbursement, supplies and equipment other than administrative supplies or equipment. Transfer or receipt of excess property shall be in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.];

(b) Employment of personnel

appoint officers and employees, including attorneys, for the Agency in accordance with the civil service laws and fix their compensation in accordance with chapter 51 and subchapter III of chapter 53 of title 5;

(c) Detail of other agency personnel without prejudice to status or advancement

enter into agreements with other Government agencies, including the military departments through the Secretary of Defense, under which officers or employees of such agencies may be detailed to the Agency for the performance of service pursuant to this chapter without prejudice to the status or advancement of such officers or employees within their own agencies;

(d) Experts and consultants; stenographic reporting services; compensation and travel expenses; limitation on period of employment; renewal of employment contracts

procure services of experts and consultants or organizations thereof, including stenographic reporting services, as authorized by section 3109 of title 5 and to pay in connection therewith travel expenses of individuals, including transportation and per diem in lieu of subsistence while away from their homes or regular places of business, as authorized by section 5703 of such title: *Provided,* That no such individual shall be employed for more than 130 days in any fiscal year unless the President certifies that employment of such individual in excess of such number of days is necessary in the national interest: *And provided further,* That such contracts may be renewed annually;

(e) Employment of outstanding personnel

employ individuals of outstanding ability without compensation in accordance with the provisions of section 2160(b) of Appendix to title 50 and regulations issued thereunder;

(f) Establishment of advisory boards; compensation and expenses

establish advisory boards to advise with and make recommendations to the Director on United States arms control and disarmament policy and activities. The members of such boards may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;

(g) Delegation of functions

delegate, as appropriate, to the Deputy Director or other officers of the Agency, any authority conferred upon the Director by the provisions of this chapter; and

(h) Rules and regulations

make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary or desirable to the exercise of any authority conferred upon the Director by the provisions of this chapter.

(Pub. L. 87-297, title IV, § 41, Sept. 26, 1961, 75 Stat. 635; Pub. L. 93-332, § 1(a), July 8, 1974, 88 Stat. 289.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949 (63 Stat. 377), referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. The surplus property provisions of that act are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables volume.

The civil service laws, referred to in subsec. (b), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5", referred to in subsec. (b), were substituted for "the

Classification Act of 1949, as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1974—Subsec. (d). Pub. L. 93-332 substituted "as authorized by section 3109 of title 5" for "as authorized by section 55a of title 5, at rates not to exceed $100 per diem for individuals", "section 5703 of such title" for "section 73b-2 of title 5" and "130 days" for "one hundred days".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2566, 2584, 2585 of this title.

§ 2582. Foreign Service Reserve and Staff personnel

The Secretary of State may authorize the Director to exercise, with respect to Foreign Service Reserve officers and Foreign Service Staff officers and employees appointed or employed for the Agency, the following authority: (1) The authority available to the Secretary of State under the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.], (2) the authority available to the Secretary under any other provision of law pertaining specifically, or generally applicable, to such officers or employees, and (3) the authority of the Board of Foreign Service pursuant to the Foreign Service Act of 1946, as amended.

(Pub. L. 87-297, title IV, § 42, Sept. 26, 1961, 75 Stat. 636.)

REFERENCES IN TEXT

The Foreign Service Act of 1946, as amended, referred to in text, is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

ABOLITION OF THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS FOR THE FOREIGN SERVICE

Both the Board of the Foreign Service and the Board of Examiners for the Foreign Service were established and functions delegated to them by Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, set out under section 826 of this title. The prior Board of the Foreign Service and Board of Examiners for the Foreign Service were both abolished and their functions, together with the functions of their chairman and other officers, were transferred to the President of the United States by sections 1(c), (d), and 3(a) of Reorg. Plan No. 4 of 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2583. Contracts or expenditures

The President may, in advance, exempt actions of the Director from the provisions of law relating to contracts or expenditures of Government funds whenever he determines that such action is essential in the interest of United States arms control and disarmament and security policy.

(Pub. L. 87-297, title IV, § 43, Sept. 26, 1961, 75 Stat. 636.)

§ 2584. Conflict of interest and dual compensation exemption

The members of the General Advisory Committee created by section 2566 of this title, and the members of the advisory boards, the consultants, and the individuals of outstanding ability employed without compensation, all of which are provided in section 2581 of this title, may serve as such without regard to the provisions of section 281, 283, 284, or 1914 of title 18, or of section 190 of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation from a source other than a nonprofit educational institution in respect of any particular matter in which the Agency is directly interested. Nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of sections 3323(b) and 8344 of title 5, or any other Federal law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 5532 of title 5.

(Pub. L. 87-297, title IV, § 44, Sept. 26, 1961, 75 Stat. 636; Pub. L. 88-448, title IV, § 401(d), Aug. 19, 1964, 78 Stat. 490.)

REFERENCES IN TEXT

Sections 281 and 283 of title 18, referred to in text, were repealed by Pub. L. 87-849, § 2, Oct. 23, 1962, 76 Stat. 1126, except as they may apply to retired officers of the armed forces of the United States, and were supplanted by sections 203 and 205 of Title 18, Crimes and Criminal Procedure. For further details, see "Exemptions" note set out under section 281 of Title 18.

Sections 284 and 1914 of title 18, referred to in text, were repealed by Pub. L. 87-849, § 2, Oct. 23, 1962, 76 Stat. 1126, and were supplanted by sections 207 and 209 of Title 18.

Section 190 of the Revised Statutes (5 U.S.C. 99), referred to in text, was repealed by Pub. L. 87-849, § 3, Oct. 23, 1962, 76 Stat. 1126. See section 207 of Title 18.

CODIFICATION

"Sections 3323(b) and 8344 of title 5" and "section 5532 of title 5" were substituted for "section 13 of the Civil Service Retirement Act (5 U.S.C. 2263)" and "section 201 of the Dual Compensation Act" [5 U.S.C. 3102], respectively, on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1964—Pub. L. 88-448 eliminated provisions which stated that such service shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 59a of title 5, and inserted words ", subject to section 3102 of title 5".

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-448 effective on the first day of the first month which begins later than the ninetieth day following Aug. 19, 1964, see section 403 of Pub. L. 88-448.

TERMINATION OF ADVISORY COMMITTEES AND BOARDS

Advisory Committees and Boards, in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee or board established by the President or an officer of the Federal Government, such committee or board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee or board established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2585. Security requirements

(a) Establishment of security and loyalty requirements, restrictions, and safeguards; investigation of personnel; standards of clearance

The Director shall establish such security and loyalty requirements, restrictions, and safeguards as he deems necessary in the interest of the national security and to carry out the provisions of this chapter. Except as provided in subsection (d) of this section, the Director shall arrange with the Civil Service Commission for the conduct of full-field background security and loyalty investigations of all the Agency's officers, employees, consultants, persons detailed from other Government agencies, members of its General Advisory Committee, advisory boards, contractors, and subcontractors, and their officers and employees, actual or prospective. In the event the investigation discloses information indicating that the person investigated may be or may become a security risk, or may be of doubtful loyalty, the report of the investigation shall be turned over to the Federal Bureau of Investigation for a full-field investigation. The final results of all such investigations shall be turned over to the Director for final determination. Except as provided in subsection (d) of this section, no person shall be permitted to enter on duty as such an officer, employee, consultant, or member of advisory committee or board, or pursuant to any such detail, and no contractor or subcontractor, or officer or employee thereof shall be permitted to have access to any classified information, until he shall have been investigated in accordance with this subsection and the report of such investigations made to the Director, and the Director shall have determined that such person is not a security risk or of doubtful loyalty. Standards applicable with respect to the security clearance of persons within any category referred to in this subsection shall not be less stringent, and the investigation of such persons for such purposes shall not be less intensive or complete, than in the case of such clearance of persons in a corresponding category under the security procedures of the Government agency or agencies having the highest security restrictions with respect to persons in such category.

(b) Acceptance of investigation and clearance granted by other Government agencies to contractor personnel; access to confidential information

In the case of contractors or subcontractors and their officers or employees, actual or prospective, the Director may accept, in lieu of the investigation prescribed in subsection (a) of this section, a report of investigation conducted by a Government agency, other than the Civil Service Commission or the Federal Bureau of Investigation, when it is determined by the Director that the completed investigation meets the standards established in subsection (a) of this section: *Provided,* That security clearance had been granted to the individual concerned by another Government agency based upon such investigation and report. The Director may also grant access for information classified no higher than "confidential" to contractors or subcontractors and their officers and employees, actual or prospective, on the basis of reports on less than full-field investigations: *Provided,* That such investigations shall each include a current national agency check. Notwithstanding the foregoing and the provisions of subsection (a) of this section, the Director may also grant access to classified information to contractors or subcontractors and their officers and employees, actual or prospective, on the basis of a security clearance granted by the Department of Defense, or any agency thereof, to the individual concerned; except that any access to Restricted Data shall be subject to the provisions of subsection (c) of this section.

(c) Atomic Energy Commission Restricted Data; access; personnel security procedures and standards of Commission and Agency; interim clearance; exchanges

The Atomic Energy Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee of the Atomic Energy Commission or any other person authorized to have access to Restricted Data by the Atomic Energy Commission under section 2165 of title 42, to permit the Director or any officer, employee, consultant, person detailed from other Government agencies, member of the General Advisory Committee or of an advisory board established pursuant to section 2581(f) of this title, contractor, subcontractor, prospective contractor, or prospective subcontractor, or officer or employee of such contractor, subcontractor, prospective contractor, or prospective subcontractor, to have access to Restricted Data which is required in the performance of his duties and so certified by the Director, but only if (1) the Atomic Energy Commission has determined, in accordance with the established personnel security procedures and standards of the Commission, that permitting such individual to have access to such Restricted Data will not endanger the common defense and security, and (2) the Atomic Energy Commission finds that the established personnel and other security procedures and standards of the Agency are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 2165 of title 42, including those for interim clearance in subsection (b) thereof. Any individual granted access to such Restricted Data pursuant to this subsection may exchange such data with any individual who (A) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the Armed Forces, or an officer or employee of the National Aeronautics and Space Administration, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or

employee of any such contractor or subcontractor, and (B) has been authorized to have access to Restricted Data under the provisions of sections 2163 or 2455 of title 42.

(d) Waiver of required investigation and determination with respect to consultants; procedure

The investigations and determination required under subsection (a) of this section may be waived by the Director in the case of any consultant who will not be permitted to have access to classified information if the Director determines and certifies in writing that such waiver is in the best interest of the United States.

(Pub. L. 87-297, title IV, § 45, Sept. 26, 1961, 75 Stat. 637; Pub. L. 88-186, § 2, Nov. 26, 1963, 77 Stat. 341; Pub. L. 94-141, title I, § 147, Nov. 29, 1975, 89 Stat. 759.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94-141, § 147(a)(1), (2), substituted "Except as provided in subsection (d) of this section, the Director shall arrange with the Civil Service Commission" for "The Director shall arrange with the Civil Service Commissioner" and "Except as provided in subsection (d) of this section, no person" for "No person".

Subsec. (b). Pub. L. 94-141, § 147(b), added provisions that notwithstanding security requirements of subsec. (a) of this section, the Director may grant access to classified information to individuals with a security clearance from Department of Defense subject only to provisions of subsec. (c) of this section.

Subsec. (d). Pub. L. 94-141, § 147(a)(3), added subsec. (d).

1963—Subsec. (b). Pub. L. 88-186 added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 88-186 redesignated former subsec. (b) as (c).

ABOLITION OF THE ATOMIC ENERGY COMMISSION

The Atomic Energy Commission was abolished and all functions of the Commission, the Chairman, members of the Commission, and the officers and components of the Commission were transferred to and vested in the Administrator of the Energy Research and Development Administration, with certain exceptions, by Pub. L. 93-438, Oct. 11, 1974, 88 Stat. 1233. See section 5814 of Title 42, The Public Health and Welfare.

TERMINATION OF ADVISORY COMMITTEES AND BOARDS

Advisory Committees and Boards, in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee or board established by the President or an officer of the Federal Government, such committee or board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee or board established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2586. Comptroller General audit

No moneys appropriated for the purpose of this chapter shall be available for payment under any contract with the Director, negotiated without advertising, except contracts with any foreign government, international organization or any agency thereof, unless such contract includes a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of, and involving transactions related to such contracts or subcontracts: *Provided, however,* That no moneys so appropriated shall be available for payment under such contract which includes any provisions precluding an audit by the General Accounting Office of any transaction under such contract: *And provided further,* That nothing in this section shall preclude the earlier disposal of contractor and subcontractor records in accordance with records disposal schedules agreed upon between the Director and the General Accounting Office.

(Pub. L. 87-297, title IV, § 46, Sept. 26, 1961, 75 Stat. 638.)

§ 2587. Transfer of activities and facilities to Agency; report to Congress; approval

(a) The United States Disarmament Administration, together with its records, property, personnel, and funds, is transferred to the Agency. The appropriations and unexpended balances of appropriations transferred pursuant to this subsection shall be available for expenditure for any and all objects of expenditure authorized by this chapter, without regard to the requirements of apportionment under section 665 of title 31.

(b) The President, by Executive order, may transfer to the Director any activities or facilities of any Government agency which relate primarily to arms control and disarmament. In connection with any such transfer, the President may under this section or other applicable authority, provide for appropriate transfers of records, property, civilian personnel, and funds. No transfer shall be made under this subsection until (1) a full and complete report concerning the nature and effect of such proposed transfer has been transmitted by the President to the Congress, and (2) the first period of sixty calendar days of regular session of the Congress following the date of receipt of such report by the Congress has expired without adoption by either House of the Congress of a resolution stating that such House does not favor such transfer. The procedures prescribed in sections 908 to 913 of title 5 shall apply to any such resolution.

(Pub. L. 87-297, title IV, § 47, Sept. 26, 1961, 75 Stat. 638.)

CODIFICATION

In subsec. (b), "sections 908 to 913 of title 5" were substituted for "sections 133z-10 to 133z-15 of title 5", on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees. In the original, sections 133z-10 to 133z-15 read title II of the Reorganization Act of 1949.

§ 2588. Use of funds

Appropriations made to the Director for the purposes of this chapter, and transfers of funds to him by other Government agencies for such purposes, shall be available to him to exercise any authority granted him by this chapter, including, without limitation, expenses of printing and binding without regard to the provi-

sions of section 501 of title 44; purchase or hire of one passenger motor vehicle for the official use of the Director without regard to the limitations contained in section 638a(c) of title 31; entertainment and official courtesies to the extent authorized by appropriation; expenditures for training and study; expenditures in connection with participation in international conferences for the purposes of this chapter; and expenses in connection with travel of personnel outside the United States, including transportation expenses of dependents, household goods, and personal effects, and expenses authorized by the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.], not otherwise provided for.

(Pub. L. 87-297, title IV, § 48, Sept. 26, 1961, 75 Stat. 638.)

REFERENCES IN TEXT

The Foreign Service Act of 1946, as amended, referred to in the text, is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

CODIFICATION

"Section 501 of title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1238, section 1 of which enacted Title 44, Public Printing and Documents.

"Section 638a(c) of title 31" was substituted for "section 78(c) of title 5" to reflect the reclassification of section 78 of title 5 to section 638a of title 31, which occurred on enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.

§ 2589. Appropriations

(a) Authorization; limitation for certain purposes

There are authorized to be appropriated not to exceed $10,000,000 to remain available until expended to carry out the purposes of this chapter. In addition, there is hereby authorized to be appropriated for the fiscal years 1964 and 1965, the sum of $20,000,000, and for the three fiscal years 1966 through 1968, the sum of $30,000,000, and for the two fiscal years 1969 through 1970, the sum of $18,500,000, and for the two fiscal years 1971 and 1972, the sum of $17,500,000, and for the two fiscal years 1973 and 1974, the sum of $22,000,000, and for the fiscal year 1975, the sum of $10,100,000, and for fiscal years 1976 and 1977 the sum of $23,440,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs), to remain available until expended, to carry out the purposes of this chapter. Notwithstanding any other provisions of this chapter, not more than $7,000,000 of the funds appropriated pursuant to the preceding sentence for fiscal years 1969 through 1970 may be used for the purpose of research, development, and other studies conducted in whole or in part outside the Agency, whether by other government agencies or by public or private institutions or persons: *Provided*, That this limitation shall not apply to field test activities conducted pursuant to the authority of this chapter.

(b) Allocation or transfer and authority for obligation and expenditure of funds

Funds appropriated pursuant to this section may be allocated or transferred to any agency for carrying out the purposes of this chapter. Such funds shall be available for obligation and expenditure in accordance with authority granted in this chapter, or under authority governing the activities of the agencies to which such funds are allocated or transferred.

(c) Limitation on obligation of funds during final month of fiscal year

Not more than 20 percentum of any appropriation made pursuant to this chapter shall be obligated and/or reserved during the last month of a fiscal year.

(Pub. L. 87-297, title IV, § 49, Sept. 26, 1961, 75 Stat. 639; Pub. L. 88-186, §§ 1, 4, Nov. 26, 1963, 77 Stat. 341, 342; Pub. L. 89-27, May 27, 1965, 79 Stat. 118; Pub. L. 90-314, May 23, 1968, 82 Stat. 129; Pub. L. 91-246, May 12, 1970, 84 Stat. 207; Pub. L. 92-352, title III, § 301, July 13, 1972, 86 Stat. 494; Pub. L. 93-332, § 1(b), July 8, 1974, 88 Stat. 289; Pub. L. 94-141, title I, §§ 141, 148, Nov. 29, 1975, 89 Stat. 757, 760.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94-141, § 141, authorized appropriations of $23,440,000 for fiscal years 1976 and 1977, and necessary additional amounts for increases in salary, etc.

Subsec. (d). Pub. L. 94-141, § 148, struck out subsec. (d) relating to prohibition of using appropriated funds for the dissemination of propaganda within the United States concerning the work of the United States Arms Control and Disarmament Agency.

1974—Subsec. (a). Pub. L. 93-332 authorized appropriation of $10,100,000 for fiscal year 1975.

1972—Subsec. (a). Pub. L. 92-352 authorized $22,000,000 to be appropriated for the fiscal years 1973 and 1974.

1970—Subsec. (a). Pub. L. 91-246 authorized $17,500,000 to be appropriated for the fiscal years 1971 and 1972.

1968—Subsec. (a). Pub. L. 90-314 authorized $18,500,000 to be appropriated for the two fiscal years 1969 through 1970, limited amount of such funds to be used for purpose of research, development, and other studies conducted outside the Agency to $7,000,000, and made such limitation inapplicable to field test activities conducted pursuant to this chapter.

1965—Subsec. (a). Pub. L. 89-27 authorized $30,000,000 to be appropriated for fiscal years 1966 through 1968.

1963—Subsec. (a). Pub. L. 88-186, § 1, authorized $20,000,000 to be appropriated for fiscal years 1964 and 1965.

Subsecs. (c), (d). Pub. L. 88-186, § 4, added subsecs. (c) and (d).

§ 2590. Reports to Congress; contents

The Director shall submit to the President, for transmittal to the Congress, not later than January 31 of each year, a report concerning activities of the Agency. Such report shall include a complete and analytical statement of arms control and disarmament goals, negotiations, and activities and an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect.

(Pub. L. 87-297, title IV, § 50, Sept. 26, 1961, 75 Stat. 639; Pub. L. 94-141, title I, § 149, Nov. 29, 1975, 89 Stat. 760.)

AMENDMENTS

1975—Pub. L. 94-141 added provisions setting forth the contents of report Director is required to submit to President.

CHAPTER 36—MIGRATION AND REFUGEE ASSISTANCE

Sec.

2601. Refugees and migration.
(a) United States membership in Intergovernmental Committee for European Migration; contributions to committee.
(b) Appropriations for assistance to refugees.
(c) United States Emergency Refugee and Migration Assistance Fund; appropriations.
(d) Information to Congressional committees.
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2603. Delegation of powers.
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2605. Availability of funds for administrative and operating purposes and various expenses; continued effectiveness of actions undertaken under repealed provisions of law.

§ 2601. Refugees and migration

(a) United States membership in Intergovernmental Committee for European Migration; contributions to committee

The President is authorized to continue membership for the United States in the Intergovernmental Committee for European Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953. For the purpose of assisting in the movement of refugees and migrants and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower, there are authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Committee and all necessary salaries and expenses incident to United States participation in the Committee.

(b) Appropriations for assistance to refugees

There are authorized to be appropriated such amounts as may be necessary from time to time—

(1) for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or in behalf of whom he is exercising his good offices;

(2) for assistance to or in behalf of refugees designated by the President (by class, group, or designation of their respective countries of origin or areas of residence) when the President determines that such assistance will contribute to the defense, or to the security, or to the foreign policy interests of the United States;

(3) for assistance to or in behalf of refugees in the United States whenever the President shall determine that such assistance would be in the interest of the United States: *Provided*, That the term "refugees" as herein used means aliens who (A) because of persecution or fear of persecution on account of race, religion, or political opinion, fled from a nation or area of the Western Hemisphere; (B) cannot return thereto because of fear of persecution on account of race, religion, or political opinion; and (C) are in urgent need of assistance for the essentials of life;

(4) for assistance to State or local public agencies providing services for substantial numbers of individuals who meet the requirements of subparagraph (3) (other than clause (C) thereof) for (A) health services and educational services to such individuals, and (B) special training for employment and services related thereto;

(5) for transportation to, and resettlement in, other areas of the United States of individuals who meet the requirements of subparagraph (3) (other than clause (C) thereof) and who, having regard for their income and other resources, need assistance in obtaining such services; and

(6) for establishment and maintenance of projects for employment or refresher professional training of individuals who meet the requirements of subparagraph (3) (other than clause (C) thereof) and, who, having regard for their income and resources, need such employment or need assistance in obtaining such retraining.

(c) United States Emergency Refugee and Migration Assistance Fund; appropriations

(1) Whenever the President determines it to be important to the national interest he is authorized to furnish on such terms and conditions as he may determine assistance under this chapter for the purpose of meeting unexpected urgent refugee and migration needs.

(2) There is established a United States Emergency Refugee and Migration Assistance Fund to carry out the purposes of this section. There is authorized to be appropriated to the President from time to time such amounts as may be necessary for the fund to carry out the purposes of this section, except that no amount of funds may be appropriated which, when added to amounts previously appropriated but not yet obligated, would cause such amounts to exceed $25,000,000. Amounts appropriated hereunder shall remain available until expended.

(3) Whenever the President requests appropriations pursuant to this authorization he shall justify such requests to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives, as well as to the Committees on Appropriations.

(d) Information to Congressional committees

The President shall keep the appropriate committees of Congress currently informed of the use of funds and the exercise of functions authorized in this chapter.

(e) Continued availability of certain funds

Unexpended balances of funds made available under authority of the Mutual Security Act of 1954, as amended, and of the Foreign Assis-

tance Act of 1961, as amended, [22 U.S.C. 2151 et seq.], and allocated or transferred for the purposes of sections 405(a), 405(c), 405(d) and 451(c) of the Mutual Security Act of 1954, as amended [22 U.S.C. 1925(a), (c), (d), 1951(c)], are authorized to be continued available for the purposes of this section and may be consolidated with appropriations authorized by this section.

(Pub. L. 87-510, § 2, June 28, 1962, 76 Stat. 121; Pub. L. 88-634, title II, § 201, Oct. 7, 1964, 78 Stat. 1021; Pub. L. 94-141, title V, § 501(a), Nov. 29, 1975, 89 Stat. 771.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c) and (d), was in the original this Act, meaning Pub. L. 87-510, June 28, 1962, 76 Stat. 121, known as the Migration and Refugee Assistance Act of 1962, which enacted this chapter, amended section 1404 of Title 8, Aliens and Nationality, repealed sections 1925(a), (c), (d), and 1951(c) of this title, enacted a provision set out as a note under this section, and amended a provision set out as a note under section 1182 of Title 8. For complete classification of this Act to the Code, see Short Title note set out under this section and Tables volume.

The Foreign Assistance Act of 1961, as amended, referred to in subsec. (e), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Mutual Security Act of 1954, as amended, referred to in subsec. (e), is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, 71 Stat. 355; June 30, 1958, Pub. L. 85-477, ch. 1, §§ 101 to 103, ch. II, §§ 201 to 205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86-108, § 2, ch. 1, § 101, ch. II, §§ 201 to 205(a) to (i), (k) to (n), ch. III, § 301, ch. IV, § 401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86-472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85-141, §§ 2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86-108, ch. II, §§ 205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86-472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94-329, title II, § 212(b)(1), June 30, 1976, 90 Stat 745, except for sections 1754, 1783, 1796, 1853, 1922, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables volume.

Sections 405(a), 405(c), 405(d), and 451(c) of the Mutual Security Act of 1954, as amended, referred to in subsec. (e), were sections of act Aug. 26, 1954, ch. 937, 68 Stat. 832, and were repealed by section 6 of Pub. L. 87-510.

AMENDMENTS

1975—Subsec. (c). Pub. L. 94-141 designated existing provision as par. (1), and, as so designated, substituted provisions authorizing the President to furnish assistance on such terms and conditions as he determines, for provisions authorizing President to transfer not more than $10,000,000 in any fiscal year of the funds made available under the Foreign Assistance Act of 1961 for the purposes of this chapter, and added pars. (2) and (3).

1964—Subsec. (e). Pub. L. 88-634 deleted the last sentence which provided that "Funds appropriated for the purposes of this section shall remain available until expended."

SHORT TITLE

Section 1 of Pub. L. 87-510 provided: "That this Act [enacting this chapter, amending section 1104 of Title 8, Aliens and Nationality, repealing sections 1925(a), (c), (d), and 1951(c) of this title, enacting a provision set out as a note under this section, and amending a provision set out as a note under section 1182 of Title 8] may be cited as the 'Migration and Refugee Assistance Act of 1962'."

AVAILABILITY OF FUNDS FOR CONTINUATION OF ACTIVITIES

Section 7 of Pub. L. 87-510 provided that: "Until the enactment of legislation appropriating funds for activities under this Act [see Short Title note above], such activities may be conducted with funds made available under section 451(a) of the Foreign Assistance Act of 1961, as amended [section 2261(a) of this title]."

INDOCHINA MIGRATION AND REFUGEE ASSISTANCE

Pub. L. 94-23, §§ 1 to 4, May 23, 1975, 89 Stat. 87, as amended by Pub. L. 94-313, June 21, 1976, 90 Stat. 691, provided;

"That this Act may be cited as "The Indochina Migration and Refugee Assistance Act of 1975'.

"Sec. 2. (a) Subject to the provisions of subsection (b) there are hereby authorized to be appropriated, in addition to amounts otherwise available for such purposes, $455,000,000 for the performance of functions set forth in the Migration and Refugee Assistance Act of 1962 (76 Stat. 121) [see Short Title note above], as amended [this chapter], with respect to aliens who have fled from Cambodia, Vietnam, or Laos, such sums to remain available in accordance with the provisions of subsection (b) of this section.

"(b) None of the funds authorized to be appropriated by this Act shall be available for the performance of functions after June 30, 1976, other than for carrying out the provisions of clauses (3), (4), (5), and (6) of section 2(b) of the Migration and Refugee Assistance Act of 1962, as amended [subsec. (b)(3), (4), (5) and (6) of this section]. None of such funds shall be available for obligation for any purpose after September 30, 1977.

"Sec. 3. In carrying out functions utilizing the funds made available under this Act, the term 'refugee' as defined in section 2(b)(3) of the Migration and Refugee Assistance Act of 1962, as amended [subsec. (b)(3) of this section], shall be deemed to include aliens who (A) because of persecution or fear of persecution on account of race, religion, or political opinion, fled from Cambodia, Vietnam, or Laos: (B) cannot return there because of fear of persecution on account of race, religion, or political opinion; and (C) are in urgent need of assistance for the essentials of life.

"Sec. 4. (a) The President shall consult with and keep the Committees on the Judiciary, Appropriations, and International Relations of the House of Representatives and the Committees on Foreign Relations, Appropriations and Judiciary of the Senate fully and currently informed of the use of funds and the exercise of functions authorized in this Act.

"(b) Not more than thirty days after the date of enactment of this Act [May 23, 1975], the President shall transmit to such Committees a report describing fully and completely the status of refugees from Cambodia, South Vietnam, and Laos. Such report shall set forth, in addition—

"(1) a plan for the resettlement of those refugees remaining in receiving or staging centers;

"(2) the number of refugees who have indicated an interest in returning to their homeland or being resettled in a third country, together with (A) a description of the plan for their return or resettlement and the steps taken to carry out such return or resettlement, and (B) any initiatives that have been made with respect to the Office of the High Commissioner for Refugees of the United Nations; and

"(3) a full and complete description of the steps the President has taken to retrieve and deposit in

the Treasury as miscellaneous receipts all amounts previously authorized and appropriated for assistance to South Vietnam, Cambodia, and Laos but not expended for such purpose, exclusive of the $98,000,000 of Indochina Postwar Reconstruction funds allocated to the Department of State for movement and maintenance of refugees prior to the date of enactment of this Act [May 23, 1975].

"(c) Supplementary reports setting forth recent information with respect to each of the items referred to in this section shall be transmitted not more than ninety days after the date of transmittal of the report referred to in subsection (b) of this section and not later than the end of each ninety-day period thereafter. Such reports shall continue until September 30, 1977, and a final report shall be submitted no later than December 31, 1977."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 section 238.

§ 2602. Presidential authorization; performance of functions without regard to specified provisions of law

(a) In carrying out the purpose of this chapter, the President is authorized—

(1) to make loans, advances, and grants to, make and perform agreements and contracts with, or enter into other transactions with, any individual, corporation, or other body of persons, government or government agency, whether within or without the United States, and international and intergovernmental organizations;

(2) to accept and use money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purposes.

(b) Whenever the President determines it to be in furtherance of the purposes of this chapter, the functions authorized under this chapter may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951), as amended [50 app. U.S.C. 1211 et seq.], regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify.

(Pub. L. 87-510, § 3, June 28, 1962, 76 Stat. 123.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-510, June 28, 1962, 76 Stat. 121, known as the Migration and Refugee Assistance Act of 1962, which enacted this chapter, amended section 1104 of Title 8, Aliens and Nationality, repealed sections 1925(a), (c), (d), and 1951(c) of this title, enacted a provision set out as a note under section 2601 of this title, and amended a provision set out as a note under section 1182 of Title 8. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables volume.

The Renegotiation Act of 1951, as amended, referred to in subsec. (b), is act Mar. 23, 1951, ch. 15, 65 Stat. 7, as amended, which is classified principally to section 1211 et seq. of Title 50 App., War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1211 of Title 50 App., and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2603 of this title.

§ 2603. Delegation of powers

The President is authorized to designate the head of any department or agency of the United States Government, or any official thereof who is required to be appointed by the President by and with the advice and consent of the Senate, to perform any functions conferred upon the President by this chapter. If the President shall so specify, any individual so designated under this section is authorized to redelegate to any of his subordinates any functions authorized to be performed by him under this section, except the function of exercising the waiver authority specified in section 2602(b) of this title.

(Pub. L. 87-510, § 4(a)(1), June 28, 1962, 76 Stat. 123.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-510, June 28, 1962, 76 Stat. 121, known as the Migration and Refugee Assistance Act of 1962, which enacted this chapter, amended section 1104 of Title 8, Aliens and Nationality, repealed sections 1925(a), (c), (d), and 1951(c) of this title, enacted a provision set out as a note under section 2601 of this title, and amended a provision set out as a note under section 1182 of Title 8. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables volume.

EX. ORD. NO. 11077. ADMINISTRATION OF CHAPTER

Ex. Ord. No. 11077. Jan. 22, 1963, 28 F.R. 629, as amended by Ex. Ord. No. 11922, June 16, 1976, 41 F.R. 24573, provided:

By virtue of the authority vested in me by the Migration and Refugee Assistance Act of 1962 (76 Stat. 121-124; hereinafter referred to as the Act) [this chapter], and as President of the United States, it is ordered as follows:

SECTION 1. *Department of State.* (a) The Secretary of State is hereby designated to perform the following:

(1) The functions provided for in Sections 2(a) and 2(b)(1) of the Act [section 2601(a), (b)(1) of this title].

(2) The functions provided for in Section 2(b)(2) of the Act [section 2601(b)(2) of this title], exclusive of so much thereof as is assigned or reserved by the provisions of Section 2(1) of this order.

(3) In connection with functions under the Act assigned to the Secretary of State, the functions provided for in Sections 3(a), 4(b), and 5(a) of the Act [sections 2602(a), 2604, and 2605(a) of this title].

(b) The Secretary of State shall from time to time furnish the President documents appropriate for the discharge by the President of his responsibilities under Section 2(d) of the Act [section 2601(d) of this title]. To the extent that they relate to functions performed by the Secretary of Health, Education, and Welfare under the provisions of this order, such documents shall be prepared in collaboration with the latter Secretary.

(c) With due regard for other relevant considerations (including the interests of the Department of Health, Education, and Welfare, and of any other executive agencies which may be concerned), the Secretary of State shall assume the leadership and provide the guidance for assuring that programs authorized under the Act best serve the foreign policy objectives of the United States.

(d) Funds appropriated or otherwise made available to the President for the United States Emergency Refugee and Migration Assistance Fund established by Section 2(c) of the act (22 U.S.C. 2601) shall be deemed to be allocated without further action of the President to the Secretary of State, and the Secretary may allocate or transfer, as appropriate, such funds to any agency, or part thereof, for obligation or expendi-

ture consistent with the provisions of this order, the act, and other applicable law: *Provided*, That such funds may not be transferred, obligated, or expended until the President shall have made the determinations provided for in Section 2(c)(1) of the act [section 2601(c)(1) of this title], which determinations are reserved to the President, and the designations and determinations provided for in Section 2(b)(2) of the act [section 2601(b)(2) of this title].

SEC. 2. *Department of Health, Education, and Welfare.* (a) The Secretary of Health, Education, and Welfare is hereby designated to perform the following:

(1) The functions provided for in Section 2(b)(2) of the Act [section 2601(b)(2) of this title] to the extent that they are in respect of assistance to Cuban refugee students in the United States who are in need of loans to attend institutions of higher education, exclusive, however, of the designations and determinations provided for in that section, which designations and determinations are reserved to the President.

(2) The functions provided for in Sections 2(b)(3) to 2(b)(6), inclusive of the Act [section 2601(b)(3) to 2601(b)(6) of this title].

(3) In connection with functions under the Act assigned to the Secretary of Health, Education, and Welfare, the functions provided for in Sections 3(a), 4(b), and 5(a)(6) of the Act [sections 2602(a), 2604, and 2605(a)(6) of this title] and, except in respect of Foreign Service personnel, the functions provided for in Section 5(a)(1) of the Act [section 2605(a)(1) of this title].

SEC. 3. *Redelegation.* (a) The Secretary of State and the Secretary of Health, Education, and Welfare may each redelegate any of his functions under this order to any of his subordinates.

(b) The Secretary of State and the Secretary of Health, Education, and Welfare may each assign to the head of any executive department or to the head of any other agency of the executive branch of the Government, with the consent of the head of the department or agency concerned, the performance of any function of the Secretary under this order whenever he deems that such action would be advantageous to the Government.

SEC. 4. *Waivers.* (a) In accordance with Section 3(b) of the Act [section 2602(b) of this title], it is hereby determined that it is in furtherance of the purposes of the Act that the functions authorized under the Act may be performed (by any department or agency of the Government authorized to perform those functions) without regard to the following-specified provisions of law:

(1) The Act of March 26, 1934, c. 90, 47 Stat. 500, as amended (15 U.S.C. 616a) (shipment of certain exports in United States vessels.)

(2) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) (advance of funds).

(3) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) (competitive bids).

(4) Section 3710 of the Revised Statutes (41 U.S.C. 8) (opening of bids).

(5) Section 2 of the Act of March 3, 1933, c. 212, 47 Stat. 1520 (41 U.S.C. 10a) (Buy American Act).

(6) Section 3735 of the Revised Statutes (41 U.S.C. 13) (contracts limited to one year).

(7) Sections 302-305 of the Federal Property and Administrative Services Act of 1949 (June 30, 1949, c. 288, 63 Stat. 393 et seq.), as amended (41 U.S.C. 252-255) (competitive bids; negotiated contracts; advances).

(8) Section 901(a) of the Merchant Marine Act, 1936 (June 29, 1936, c. 858, 49 Stat. 2015, as amended; 46 U.S.C. 1241(a) (official travel overseas of United States officers and employees, and transportation of their personal effects, on ships registered under the laws of the United States.

(b) It is directed (1) that all waivers of statutes and limitations of authority effected by the foregoing provisions of this section shall be utilized in a prudent manner and as sparingly as may be practical, and (2) that suitable steps shall be taken by the administrative agencies concerned to insure that result, including, as may be appropriate, the imposition of administrative limitations in lieu of waived statutory requirements and limitations of authority.

SEC. 5. *Definition.* As used in this order, the word "function" or "functions" includes any executive duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

SEC. 6. *Saving provisions.* Except to the extent that they may be inconsistent with law or with this order, all determinations, authorizations, regulations, orders, contracts, agreements and other actions issued, undertaken, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

SEC. 7. *Effective date.* The provisions of this order shall be effective as of July 1, 1962.

JOHN F. KENNEDY.

§ 2604. Allocation, transfer and availability of funds; separate appropriation accounts on Treasury books

The President may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out the purposes of this chapter. Such funds shall be available for obligation and expenditure for the purposes for which authorized in accordance with authority granted in this chapter or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred. Funds allocated or transferred pursuant to this section to any such agency may be established in separate appropriation accounts on the books of the Treasury.

(Pub. L. 87-510, § 4(b), June 28, 1962, 76 Stat. 123.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this Act, meaning Pub. L. 87-510, June 28, 1962, 76 Stat. 121, known as the Migration and Refugee Assistance Act of 1962, which enacted this chapter, amended section 1104 of Title 8, Aliens and Nationality, repealed sections 1925(a), (c), (d), and 1951(c) of this title, enacted a provision set out as a note under section 2601 of this title, and amended a provision set out as a note under section 1182 of title 8. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables volume.

§ 2605. Availability of funds for administrative and operating purposes and various expenses; continued effectiveness of actions undertaken under repealed provisions of law

(a) Funds made available for the purposes of this chapter shall be available for—

(1) compensation, allowances, and travel of personnel, including Foreign Service personnel whose services are utilized primarily for the purpose of this chapter, and without regard to the provisions of any other law, for printing and binding, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of Government funds as may be necessary to accomplish the purposes of this chapter;

(2) employment or assignment of Foreign Service Reserve officers for the duration of operations under this chapter;

(3) exchange of funds without regard to section 543 of title 31, and loss by exchanges;

(4) expenses authorized by the Foreign Service Act of 1946 (22 U.S.C. 801 et seq.), not otherwise provided for;

(5) expenses authorized by the Act of August 1, 1956 (70 Stat. 890-892), as amended; and

(6) all other expenses determined by the President to be necessary to carry out the purposes of this chapter.

(b) Except as may be expressly provided to the contrary in this chapter, all determinations, authorizations, regulations, orders, contracts, agreements and other actions issued, undertaken, or entered into under authority of any provision of law repealed by this chapter shall continue in full force and effect until modified, revoked, or superseded under the authority of this chapter.

(Pub. L. 87-510, § 5, June 28, 1962, 76 Stat. 123.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original this Act, meaning Pub. L. 87-510, June 28, 1962, 76 Stat. 121, known as the Migration and Refugee Assistance Act of 1962, which enacted this chapter, amended section 1104 of Title 8, Aliens and Nationality, repealed sections 1925(a), (c), (d), and 1951(c) of this title, enacted a provision set out as a note under section 2601 of this title, and amended a provision set out as a note under section 1182 of title 8. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables volume.

The Foreign Service Act of 1946, referred to in subsec. (a)(4), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

The Act of August 1, 1956, as amended, referred to in subsec. (a)(5), is act Aug. 1, 1956, ch. 841, 70 Stat. 890, as amended, which is classified to sections 2662, 2669 to 2672, 2673 to 2680a, 2684, and 2687 to 2690 of this title and section 170s of former Title 5, Executive Departments and Government Officers and Employees. For complete classification of this Act to the Code, see Tables volume.

CHAPTER 37—FOREIGN GIFTS AND DECORATIONS

Sec.
2621. Definitions.
2622 to 2624. Repealed.
2625. Gifts or decorations on deposit with State Department.
2626. Repealed.

§ 2621. Definitions

In this chapter—

(1) The term "person" includes every person who occupies an office or a position in the Government of the United States, its territories and possessions, the Canal Zone government, and the government of the District of Columbia, or is a member of the Armed Forces of the United States, or a member of the family and household of any such person.

(2) The term "foreign government" includes every foreign government and every official, agent, or representative thereof.

(3) The term "gift" includes any present or thing, other than a decoration, tendered by or received from a foreign government.

(4) The term "decoration" includes any order, device, medal, badge, insignia, or emblem tendered by or received from a foreign government.

(Pub. L. 89-673, § 2, Oct. 15, 1966, 80 Stat. 952.)

REPEAL

Section was repealed by Pub. L. 90-83, § 10(b), Sept. 11, 1967, 81 Stat. 224, except insofar as it applies to section 2625 of this title.

SHORT TITLE

Section 1 of Pub. L. 89-673, which provided that Pub. L. 89-673, enacting this chapter, amending section 804 of this title, and repealing sections 114, 115, and 115a of former Title 5, Executive Departments and Government Officers and Employees, could be cited as the "Foreign Gifts and Decorations Act of 1966", was repealed by Pub. L. 90-83, § 10(b), Sept. 11, 1967, 81 Stat. 224. See section 7342 of Title 5, Government Organization and Employees.

§§ 2622 to 2624. Repealed. Pub. L. 90-83, § 10(b), Sept. 11, 1967, 81 Stat. 224

Section 2622, Pub. L. 89-673, § 3, Oct. 15, 1966, 80 Stat. 952, prohibited the request for or the encouragement of a tender of a gift or decoration. See section 7342(b) of Title 5, Government Organization and Employees.

Section 2623, Pub. L. 89-673, § 4, Oct. 15, 1966, 80 Stat. 952, permitted the acceptance of a gift of minimal value. See section 7342(c) of Title 5.

Section 2624, Pub. L. 89-673, § 5, Oct. 15, 1966, 80 Stat. 952, permitted the acceptance of decorations tendered in recognition of active field service in time of combat operations. See section 7342(d) of Title 5.

§ 2625. Gifts or decorations on deposit with State Department

Any gift or decoration on deposit with the Department of State on October 15, 1966, shall, when approved by the Secretary of State and the appropriate department, agency, office, or other entity, be released to the donee or his legal representative. Such donee may, if authorized, be entitled to wear any decoration so approved. A gift or decoration not approved for release, because of any special or unusual circumstances involved, shall be deemed a gift to the United States and shall be deposited by the donee in accordance with the rules and regulations issued pursuant to this chapter.

(Pub. L. 89-673, § 6, Oct. 15, 1966, 80 Stat. 952.)

§ 2626. Repealed. Pub. L. 90-83, § 10(b), Sept. 11, 1967, 81 Stat. 224

Section, Pub. L. 89-673, § 7, Oct. 15, 1966, 80 Stat. 952, authorized the President to prescribe rules and regulations to carry out the purposes of this chapter. See section 7342(e) of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 11320

Ex. Ord. No. 11320, Dec. 12, 1966, 31 F.R. 15789, empowered the Secretary of State, and the Under Secretary of State, when designated by the Secretary of State, to exercise, without the approval of the Presi-

dent, the power conferred upon the President by section 2626 of this title to prescribe rules and regulations to carry out the Foreign Gifts and Decorations Act of 1966.

CHAPTER 38—DEPARTMENT OF STATE

Sec.
2651. Establishment of Department.
2652. Deputy Secretary of State; Under Secretary of State for Political Affairs; Under Secretary of State for Economic Affairs; Deputy Under Secretary of State; Assistant Secretaries of State.
2653. Appointment and rank of officers; establishment of Office of Under Secretary of State for Political Affairs or Under Secretary of State for Economic Affairs.
2654. Legal adviser; establishment of office; appointment.
2655. Counselor of Department of State; appointment.
2655a. Bureau of Oceans and International Environmental and Scientific Affairs within Department of State; Assistant Secretary of State as head of Bureau.
2656. Management of foreign affairs.
2657. Custody of seals and property.
2658. Rules and regulations; promulgation by Secretary; delegation of authority.
2659. State statutes to be procured.
2660. Copies of treaties furnished to printer.
2661. Procurement of information for corporations, firms and individuals; expense of cablegrams and telephone service involved; appropriation.
2661a. Foreign contracts or arrangements; discrimination.
2662. Establishment, maintenance, and operation of passport and despatch agencies.
2663. Despatch agencies; compensation of personnel; rent and expenses.
2664. Distribution of duties of officers, clerks, and employees.
2665. Personal services other than those provided for.
2666. Security officers; carrying of firearms; promulgation and submission of regulations.
2667. Arrest power of security officers.
2668. Requisitions for advances to pay lawful obligations; accounting.
2669. Printing and binding outside continental United States; settlement and payment of claims by foreign governments; employment of aliens; official functions and courtesies; purchase of uniforms; payment of tort claims.
2670. Insurance on motor vehicles in foreign countries; tie lines and teletype equipment; ice and drinking water; excise taxes on negotiable instruments; remains of deceased persons; relief, protection, and burial of seamen; acknowledgment of services of foreign vessels and aircraft; rentals and leases.
2671. Emergency expenditures; delegation of authority pertaining to certification of expenditures.
2672. Participation in international activities; restriction; expenses.
2672a. Alternate United States Commissioners for international fisheries commissions.
2672b. Compensation of Alternate United States Commissioners; travel expenses and other allowances.
2673. International Civil Aviation Organization; availability of funds for participation.
2674. Availability of exchange allowances or proceeds derived from exchange or sale of motor vehicles.
2675. Transfer to other agencies of funds appropriated to the Department of State.
2676. Contracts in foreign countries.
2677. Availability of funds for travel expenses and transportation of personal effects, household goods, or automobiles.
2678. Use of Government-owned vehicles or taxicabs by employees in foreign countries.
2679. Maximum rates of per diem in lieu of subsistence payable to foreign participants in exchange of persons program or in program of furnishing technical information and assistance.
2679a. Death guaranties for certain Foreign Service personnel.
(a) Amount of gratuity.
(b) Payment dependent upon survivor's election of monthly compensation.
(c) Survivors entitled to payment.
(d) Definitions.
2680. Appropriations for State Department; information to congressional committees.
2680a. Authority and responsibility of ambassadors.
2681. International broadcasting facilities; transfer to Department of State; acquisition of property.
2682. Liquidation and disposal of broadcasting facilities.
2683. Assumption of obligations of operation of broadcasting facilities.
2684. Capital fund for Department of State to centralize reproduction, editorial, data processing, audiovisual and other services; maximum amount; operation of fund.
2685. Reimbursement for detailed State Department personnel.
2686. Review of world-wide supply, demand, and price of basic raw and processed materials.
2687. Use of appropriated funds for unusual expenses of United States Representative to Organization of American States.
2688. Ambassadors; criteria regarding selection and confirmation.
2689. American Sections, International Joint Commission, United States and Canada; funds for representation expenses and official entertainment within the United States.
2690. Foreign gifts; audit; reports to Congress.

§ 2651. Establishment of Department

There shall be at the seat of government an executive department to be known as the "Department of State", and a Secretary of State, who shall be the head thereof.

(R.S. § 199.)

Codification

R.S. § 199 was derived from acts July 27, 1789, ch. 4, § 1, 1 Stat. 28; Sept. 15, 1789, ch. 14, § 1, 1 Stat. 68.

Section was formerly classified to section 151 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Order of Succession

For order of succession in case of death, resignation, absence, or sickness of the Secretary, see Ex. Ord. No. 10839, Sept. 30, 1959, 24 F.R. 7939, set out as a note under section 3347 of Title 5, Government Organization and Employees.

Emergency Preparedness Functions

For assignment of certain emergency preparedness functions to the Secretary of State, see Parts 1, 2, and 30 of Ex. Ord. No. 11490, Oct. 28, 1969, 34 F.R. 17567, set out as a note under section 2292 of Title 50, Appendix, War and National Defense.

Compensation of Secretary

Compensation of Secretary, see section 5312 of Title 5, Government Organization and Employees.

SHORT TITLE

Section 1 of Pub. L. 94-350 provided: "That this Act [which enacted sections 295(j), 817, 1063(a)(4), 1064(1) to (6), 1065, 1071(c) to (f), 1076(g) to (l), 1076a, 1082(f), (g), 1091(c) to (f), 1121(f), 1463, 1474(14), 1475a, 1928e, 2458a, 2661a, 2689, 2690, and 2872(c) of this title, redesignated as section 1064(7) to (9) former section 1064(b)(4) to (6) of this title, amended sections 276e, 276i, 295(h)(2), 889, 915(b), 1001, 1002, 1004(b)(2), 1007(b), 1063(b)(2), 1076(a), (b), (d) to (f), 1081(a), (c) to (e), 1082(a) to (d), 1084, 1086, 1091(a), 1105, 1111, 1116, 1121(a) to (d), 1754(b), 2872(b)(1), (4), (5), 2873(a)(8), 2877, 2902(d), (e)(1), 2905(10), and 2906(b) of this title, repealed sections 1063(c), 1083, 1092, 1094, and 1229(b) of this title, and enacted provisions set out as notes under sections 801, 915, 1001, 1063, 1064, 1076, 1076a, 1086, 1091, 1121, 1229, and 2871 of this title] may be cited as the 'Foreign Relations Authorization Act, Fiscal Year 1977'."

Section 1 of Pub. L. 94-141 provided: "That this Act [which enacted sections 276a-1, 1037 to 1037c, 2576, 2687, and 2688 of this title, amended sections 276, 276c, 295, 966, 991, 995, 1934, 2321d, 2551, 2562, 2585, 2589, 2590, 2601, 2666, 2679a, and 2791 of this title and section 5924 of Title 5, Government Organization and Employees, enacted provisions set out as notes under sections 1037a and 2679a of this title, amended provision set out as a note under section 287e, and repealed provision set out as a note under section 966 of this title] may be cited as the 'Foreign Relations Authorization Act, Fiscal Year 1976'."

Section 1 of Pub. L. 92-352 provided: "That this Act [which enacted sections 1474, 1475, 2291a, and 2821 to 2826 of this title and section 194a of Title 2, The Congress, amended sections 901, 1461, 1476, 2291, 2501a, 2502, 2589, 2652, 2653, and 2680 of this title, sections 5313, 5314, 5315, and 8331 of Title 5, Government Organization and Employees, and section 241 of Title 31, Money and Finance, repealed section 2511 of this title, and enacted provisions set out as notes under sections 2511, 2571, and 2652 of this title, section 8331 of Title 5, and section 241 of Title 31] may be cited as the 'Foreign Relations Authorization Act of 1972'."

CROSS REFERENCES

Immigration and Nationality Act, powers and duties of Secretary of State with respect to administration and enforcement, see section 1104 of Title 8, Aliens and Nationality.

§ 2652. Deputy Secretary of State; Under Secretary of State for Political Affairs; Under Secretary of State for Economic Affairs; Deputy Under Secretary of State; Assistant Secretaries of State

There shall be in the Department of State, in addition to the Secretary of State, a Deputy Secretary of State, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, a Deputy Under Secretary of State, and eleven Assistant Secretaries of State.

(May 26, 1949, ch. 143, § 1, 63 Stat. 111; Feb. 7, 1953. ch. 2, 67 Stat. 4; Aug. 5, 1955, ch. 576, § 1, 69 Stat. 536; June 30, 1958, Pub. L. 85-477, ch. V, § 502(j)(1), 72 Stat. 274; July 18, 1958, Pub. L. 85-524, § 1, 72 Stat. 363; July 13, 1972, Pub. L. 92-352, title I, § 103(a)(1), 86 Stat. 490.)

CODIFICATION

Section was formerly classified to section 151a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1972—Pub. L. 92-352 substituted "a Deputy Secretary of State, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, a Deputy Under Secretary of State, two Deputy Under Secretaries of State" for "an Under Secretary of State, two Deputy Under Secretaries of State".

1958—Pub. L. 85-524 increased the number of Assistant Secretaries from ten to eleven.

Pub. L. 85-477 reduced the number of Deputy Under Secretaries of State from three to two.

1955—Act Aug. 5, 1955, inserted the words "three Deputy Under Secretaries of State", and eliminated provisions which authorized the appointment of an Under Secretary of State for Administration until Dec. 31, 1954.

1953—Act Feb. 7, 1953, provided for an Under Secretary of State for Administration until Dec. 31, 1954.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 103(c) of Pub. L. 92-352 provided that: "The provisions of subsection (a) of this section [amending this section and section 2653 of this title] are effective July 1, 1972."

TRANSFER OF DUTIES OF UNDER SECRETARY OF STATE TO DEPUTY SECRETARY OF STATE; ASSUMPTION OF DUTIES OF DEPUTY SECRETARY OF STATE BY UNDER SECRETARY OF STATE ON JULY 13, 1972

Section 103(b) of Pub. L. 92-352 provided that: "The duties of the Under Secretary of State are transferred to the Deputy Secretary of State. The individual holding, on the date of enactment of this Act [July 13, 1972], the office of the Under Secretary of State may assume the duties of the Deputy Secretary of State. The individual assuming such duties shall not be required to be reappointed by reason of the enactment of this section."

APPOINTMENT OF DEPUTY UNDER SECRETARIES WITHOUT RECONFIRMATION

Section 3 of act Aug. 5, 1955, provided that: "The President may initially fill two of the Deputy Under Secretary positions established in section 1 of this Act [amending this section] by appointing, without further advice and consent of the Senate, the two Deputy Under Secretaries of State who, on the date of the enactment of this Act [Aug. 5, 1955], held that designation pursuant to authority contained in section 2 of the Act of May 26, 1949 (63 Stat. 111) [section 2653 of this title]."

ADDITIONAL ASSISTANT SECRETARY

Assistant Secretary of State to head Bureau of Oceans and International Environmental and Scientific Affairs in Department of State, appointment of as addition to number of positions provided for in this section, see section 2655a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2653, 2655a of this title.

§ 2653. Appointment and rank of officers; establishment of Office of Under Secretary of State for Political Affairs of Under Secretary of State for Economic Affairs

(a) The Secretary of State and the officers referred to in section 2652 of this title, shall be appointed by the President, by and with the advice and consent of the Senate. The Counselor of the Department of State and the Legal Adviser who are required to be appointed by the President, by and with the advice and consent of the Senate, shall rank equally with the Assistant Secretaries of State. Any such officer holding office at the time the provisions of this Act, as amended, become effective shall not be required to be reappointed by reason of the enactment of this Act, as amended.

(b) Repealed. Pub. L. 92-352, title I, § 103(a)(2), July 13, 1972, 86 Stat. 490.

(May 26, 1949, ch. 143, § 2, 63 Stat. 111; Aug. 5, 1955, ch. 576, § 2, 69 Stat. 536; June 30, 1958, Pub. L. 85-477, ch. V, § 502(j)(2), 72 Stat. 274; July 30, 1959, Pub. L. 86-117, 73 Stat. 265; Aug. 14, 1964, Pub. L. 88-426, title III, § 305(14), 78 Stat. 424; July 13, 1972, Pub. L. 92-352, title I, § 103(a)(2), 86 Stat. 490.)

REFERENCES IN TEXT

Reference to the provisions of "this Act, as amended," becoming effective, in subsec. (a), probably means Aug. 5, 1955, which is the effective date of the 1955 amendment to this section.

Reference to "the enactment of this Act, as amended", in subsec. (a), probably refers to the enactment of act Aug. 5, 1955, which amended sections 867, 901, 902, 913, 1001, 1002, 1071, 1076, 2652, and 2653 of this title.

CODIFICATION

Section was formerly classified to section 151b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1972—Subsec. (b). Pub. L. 92-352 struck out subsec. (b) which established in the Department of State an office which shall be entitled as designated by the President, either Under Secretary of State for Political Affairs or Under Secretary of State for Economic Affairs. See section 2652 of this title.

1964—Subsec. (a). Pub. L. 88-426, § 305(14)(A),(B), repealed provisions which prescribed the salaries of the Counselor, Legal Adviser and the Deputy Under Secretaries.

Subsec. (b). Pub. L. 88-426, § 305(14)(C), repealed provisions which prescribed the compensation of the Under Secretary of State for Political Affairs or for Economic Affairs.

1959—Subsec. (b). Pub. L. 86-117 provided for executive designation of the Office in the Department of State as Under Secretary of State for Political Affairs or Under Secretary of State for Economic Affairs in place of legislative designation as Office of Under Secretary of State for Economic Affairs, eliminated the provision for initial Presidential appointment as Under Secretary of State for Economic Affairs without Senate advice and consent the officer who on June 30, 1958 held the position of Deputy Under Secretary of State for Economic Affairs, and substituted in the transfer of functions provision "Under Secretary of State for Economic Affairs" and "Secretary of State" for "Deputy Under Secretary of State for Economic Affairs" and "Under Secretary of State for Economic Affairs".

1958—Subsec. (a). Pub. L. 85-477 designated existing provisions as subsec. (a).

Subsec. (b). Pub. L. 85-477 added subsec. (b).

1955—Act Aug. 5, 1955, provided that salary of the Legal Adviser and Deputy Under Secretaries should be the same as Assistant Secretaries.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-352 effective July 1, 1972, see section 103(c) of Pub. L. 92-352, set out as an Effective Date of 1972 Amendment note under section 2652 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

§ 2654. Legal adviser; establishment of office; appointment

There is established in the Department of State the office of legal adviser (in lieu of the Solicitor of the Department of State, which office is abolished). The legal adviser shall be appointed by the President, by and with the advice and consent of the Senate.

(May 24, 1924, ch. 182, § 30, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1214, and amended Oct. 15, 1949, ch. 695, § 6(d), 63 Stat. 881.)

CODIFICATION

Section was formerly classified to section 152a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1949—Act Oct. 15, 1949, omitted provision relating to the salary of the legal adviser being the same as Assistant Secretaries of State.

EFFECTIVE DATE

Section 37 of act May 24, 1924, as added Feb. 23, 1931, provided that this section shall take effect July 1, 1931.

§ 2655. Counselor of Department of State; appointment

There shall be in the Department of State a Counselor of the Department of State, to be appointed by the President, by and with the advice and consent of the Senate.

(May 18, 1937, ch. 220, 50 Stat. 169; Oct. 15, 1949, ch. 695, § 5(a), 63 Stat. 880.)

CODIFICATION

Section was formerly classified to section 152b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Provisions of this section which prescribed the basic annual compensation of the Counselor were omitted to conform with the provisions of the Federal Executive Salary Schedule. See section 5315 of Title 5, Government Organization and Employees.

AMENDMENTS

1949—Act Oct. 15, 1949, increased compensation of Counselor from $10,000 to $15,000 per annum.

CROSS REFERENCES

Rank of Counselor, see section 2653 of this title.

§ 2655a. Bureau of Oceans and International Environmental and Scientific Affairs within Department of State; Assistant Secretary of State as head of Bureau

There is established within the Department of State a Bureau of Oceans and International Environmental and Scientific Affairs. In addition to the positions provided under section 2652 of this title, there shall be an Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, appointed by the President, by and with the advice and consent of the Senate, who shall be the head of the Bureau and who shall have responsibility for matters relating to oceans, environmental, scientific, fisheries, wildlife, and conservation affairs.

(Pub. L. 93-126, § 9(a), formerly § 9, Oct. 18, 1973, 87 Stat. 453, renumbered Pub. L. 93-312, § 9, June 8, 1974, 88 Stat. 238.)

§ 2656. Management of foreign affairs

The Secretary of State shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matter respecting foreign affairs as the President of the United States shall assign to the department and he shall conduct the business of the department in such manner as the President shall direct.

(R.S. § 202.)

Codification

R.S. § 202 was derived from acts July 27, 1789, ch. 4, § 1, 1 Stat. 28; Sept. 15, 1789, ch. 14, § 1, 1 Stat. 68.

Section was formerly classified to section 156 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Delegation of Functions

Functions of the President respecting certain facilities constructed and maintained on United States borders delegated to the Secretary of State, see Ex. Ord. No. 11423, Aug. 16, 1968, 33 F.R. 11741, set out as a note under section 301 of Title 3, the President.

Presidential Directive

National Intelligence Authority and Central Intelligence Group, established by Presidential Directive, Feb. 1, 1946, 11 F.R. 1337, to coordinate Federal foreign intelligence activities, ceased to exist upon creation of Central Intelligence Agency; personnel, property and records of the group were transferred to the Agency; and unexpended funds of the group were made available to the Agency, by act July 26, 1947, ch. 343, title I, § 102, 61 Stat. 497, set out as section 403 of Title 50, War and National Defense.

Authority of Director of United States Information Agency

Exercise of authority available under this section by the Director of the United States Information Agency, see Ex. Ord. No. 10477, Aug. 1, 1953, 18 F.R. 4540, set out as a note under section 811a of this title.

Employee-Management Relations in the Foreign Service

For functions of the Secretary of State concerning employee-management relations in the Foreign Service, see Ex. Ord. No. 11636, Dec. 17, 1971, 36 F.R. 24901, set out as a note under section 801 of this title.

§ 2657. Custody of seals and property

The Secretary of State shall have the custody and charge of the seal of the Department of State, and of all the books, records, papers, furniture, fixtures, and other property which on June 22, 1874, remained in and appertained to the department, or were thereafter acquired for it.

(R.S. § 203.)

Codification

R.S. § 203 was derived from acts July 27, 1789, ch. 4, §§ 2, 4, 1 Stat. 29; Sept. 15, 1789, ch. 14, § 7, 1 Stat. 69.

Section was formerly classified to section 158 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Cross References

Postal Service, seal to be filed by the Board of Governors of the Postal Service in office of Secretary of State, see section 207 of Title 39, Postal Service.

§ 2658. Rules and regulations; promulgation by Secretary; delegation of authority

The Secretary of State may promulgate such rules and regulations as may be necessary to carry out the functions now or hereafter vested in the Secretary of State or the Department of State, and he may delegate authority to perform any of such functions including if he shall so specify the authority successively to redelegate any of such functions, to officers and employees under his direction and supervision.

(May 26, 1949, ch. 143, § 4, 63 Stat. 111; Aug. 26, 1954, ch. 937, § 544(c), as added July 18, 1956, ch. 627, § 11(a), 70 Stat. 563, and amended Aug. 14, 1957, Pub. L. 85-141, § 11(b)(1), 71 Stat. 365.)

Codification

Section was formerly classified to section 151c of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Amendments

1956—Act July 18, 1956, added section 544(c) to act Aug. 26, 1954, which section amended this section to permit the redelegation of functions.

Repeals

Pub. L. 85-141 repealed section 544(c) of act Aug. 26, 1954, except insofar as such section 544(c) affected this section.

Authority of Director of United States Information Agency

Exercise of authority available under this section by the Director of the United States Information Agency see Ex. Ord. No. 10477, Aug. 1, 1953, 18 F.R. 4540 set out as a note under section 811a of this title.

§ 2659. State statutes to be procured

The Secretary of State shall procure from time to time such of the statutes of the several States as may not be in his office.

(R.S. § 206.)

Codification

R.S. § 206 was derived from act Sept. 23, 1789, No. 3, 1 Stat. 97.

Section was formerly classified to section 161 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Abolition of Functions

Section 161 of former Title 5, Executive Departments and Government Officers and Employees [now this section], under which the Secretary of State was required to procure, from time to time, such of the statutes of the several States as might not be in his office, was affected by Reorg. Plan No. 20 of 1950, 2(a), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1272, set out in Appendix to Title 5, Government Organization

and Employees, which abolished such prescribed duty. Such section 2(a) further provided, however, that such abolition should not limit the authority of the Secretary of State to procure copies of such State statutes as may be needed in the performance of his functions.

§ 2660. Copies of treaties furnished to printer

The Secretary of State shall furnish to the Public Printer a correct copy of every treaty between the United States and any foreign government as soon as possible after it has been duly ratified and has been proclaimed by the President; and also of every postal convention made between the Postmaster General, by and with the advice and consent of the President, on the part of the United States and foreign countries, as soon as possible after copies of such conventions have been transmitted to him by the Postmaster General.

(R.S. § 210; June 20, 1874, ch. 328, 18 Stat. 88; 1950 Reorg. Plan No. 20, § 1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1272.)

Codification

R.S. § 210 was derived from acts Mar. 9, 1868, ch. 22, § 1, 15 Stat. 40; June 8, 1872, ch. 335, § 20, 17 Stat. 287.

Section was formerly classified to section 165 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Transfer of Functions

Functions under the former provisions of this section which required the Secretary of State to furnish to the Public Printer a correct copy of every act and joint resolution, as soon as possible after its approval by the President, or after it has become a law in accordance with the Constitution without such approval, were transferred to the Administrator of General Services by Reorg. Plan No. 20 of 1950, set out in the Appendix to Title 5, Government Organization and Employees. Those provisions, as so amended, are set out as section 710 of Title 44, Public Printing and Documents. The Reorg. Plan excepted, from the transfer, those functions of the Secretary of State under this section with respect to treaties and other international agreements.

Cross References

Duty of the Postal Service to transmit copies of postal conventions to Secretary of State, see section 407 of Title 39, Postal Service.

§ 2661. Procurement of information for corporations, firms and individuals; expense of cablegrams and telephone service involved; appropriation

On and after May 15, 1936, whenever the Secretary of State, in his discretion, procures information on behalf of corporations, firms, and individuals, the expense of cablegrams and telephone service involved may be charged against the respective appropriations for the service utilized; and reimbursement therefor shall be required from those for whom the information was procured and, when made, be credited to the appropriation under which the expenditure was charged.

(May 15, 1936, ch. 405, § 1, 49 Stat. 1321.)

Codification

Section was formerly classified to section 169 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Similar Provisions

Section is from the Department of State Appropriation Act, 1937, act May 15, 1936. Similar provisions were contained in the following prior appropriation acts:

Mar. 22, 1935, ch. 39, § 1, 49 Stat. 76.
Apr. 7, 1934, ch. 104, title I, § 1, 48 Stat. 536.
Mar. 1, 1933, ch. 144, title I, 47 Stat. 1379.
July 1, 1932, ch. 361, title I, § 1, 47 Stat. 487.
Feb. 23, 1931, ch. 280, title I, § 1, 46 Stat. 1321.
Apr. 18, 1930, ch. 184, title I, § 1, 46 Stat. 174.

§ 2661a. Foreign contracts or arrangements; discrimination

Information should not be disseminated about opportunities for, and there should be no participation or other assistance by any officer or employee of the Department of State (including the Agency for International Development) in, the negotiation of any contract or arrangement with a foreign country, individual, or entity, if—

(1) any United States person (as defined in section 7701(a)(30) of title 26) is prohibited from entering into such contract or arrangement, or

(2) such contract or arrangement requires that any such person be excluded from participating in the implementation of such contract or arrangement,

on account of the race, religion, national origin, or sex of such person in the case of an individual or, in the case of a partnership, corporation, association, or other entity, any officer, employee, agent, director, or owner thereof.

(Pub. L. 94-350, title I, § 121, July 12, 1976, 90 Stat. 829.)

§ 2662. Establishment, maintenance, and operation of passport and despatch agencies

The Secretary of State is authorized to establish, maintain, and operate passport and despatch agencies.

(Aug. 1, 1956, ch. 841, § 1, 70 Stat. 890.)

Codification

Section was formerly classified to section 170f of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2663. Despatch agencies; compensation of personnel; rent and expenses

There shall be paid compensation to agents and employees of, and rent and other expenses for, despatch agencies established by the Secretary of State.

(July 5, 1946, ch. 541, title I, § 101, 60 Stat. 450, 451.)

Codification

Section was formerly classified to section 153a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Section is based upon provisions contained for many years in annual appropriation acts providing funds for the Foreign Service. Although each of these provisions is by its terms confined to its specific appropriation, the Secretary of State, in a communication dated June 4, 1941, recommended its incorporation into the Code, saying: "As provision for the compensation and ex-

penses involved in the maintenance of the offices of these despatch agents has been included in appropriation acts for many years I believe that you would be warranted in considering it to be permanent general legislation and in my opinion it should be included in * * * the Code."

SIMILAR PROVISIONS

Similar provisions were carried in the following prior Department of State Appropriation Acts:
May 21, 1945, ch. 129, title I, § 101, 59 Stat. 173.
June 28, 1944, ch. 294, title I, § 101, 58 Stat. 399.
July 1, 1943, ch. 182, title I, § 101, 57 Stat. 275.
July 2, 1942, ch. 472, title I, § 101, 56 Stat. 473.
June 28, 1941, ch. 258, title I, § 101, 55 Stat. 268.
May 14, 1940, ch. 189, title I, § 101, 54 Stat. 185.

§ 2664. Distribution of duties of officers, clerks, and employees

The Secretary of State may prescribe duties for the Assistant Secretaries and the clerks of bureaus, as well as for all the other employees in the department, and may make changes and transfers therein when, in his judgment, it becomes necessary.

(June 20, 1874, ch. 328, § 1, 18 Stat. 90; May 24, 1924, ch. 182, § 30, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1214.)

CODIFICATION

Section was formerly classified to section 154 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Provisions which related to the Solicitor of the Department were omitted in view of act May 24, 1924, which abolished the office.

§ 2665. Personal services other than those provided for

There shall not be employed in the Department of State or in connection with said Department in the District of Columbia any personal services other than those which shall be specifically authorized or appropriated for.

(June 22, 1906, ch. 3514, § 1, 34 Stat. 402.)

CODIFICATION

Section was formerly classified to section 155 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2666. Security officers; carrying of firearms; promulgation and submission of regulations

Under such regulations as the Secretary of State may prescribe, security officers of the Department of State and the Foreign Service who have been designated by the Secretary of State and who have qualified for the use of firearms, are authorized to carry firearms for the purpose of protecting heads of foreign states, official representatives of foreign governments, and other distinguished visitors to the United States, the Secretary of State, the Deputy Secretary of State, official representatives of the United States Government, and members of the immediate families of any such persons, both in the United States and abroad. The Secretary shall transmit such regulations to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate not more than twenty days before the date on which such regulations take effect.

(June 28, 1955, ch. 199, § 1, 69 Stat. 188; Nov. 29, 1975, Pub. L. 94-141, title IV, § 406, 89 Stat. 770.)

CODIFICATION

Section was formerly classified to section 170e of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1975—Pub. L. 94-141 added provisions extending protection to members of immediate families of official representatives of the United States both within the United States and abroad, and requiring that the Secretary submit new regulations to Congress twenty days prior to date on which they take effect.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2667 of this title.

§ 2667. Arrest power of security officers

Security officers of the Department of State and the Foreign Service engaged in the performance of the duties prescribed in section 2666 of this title are empowered to arrest without warrant and deliver into custody any person violating section 111 or 112 of title 18 in their presence or if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a violation.

(June 28, 1955, ch. 199, § 2, as added Aug. 27, 1964, Pub. L. 88-493, § 4, 78 Stat. 610.)

CODIFICATION

Section was formerly classified to section 170e-1 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2668. Requisitions for advances to pay lawful obligations; accounting

Notwithstanding the provisions of any other law the Secretary of State is authorized in his discretion to issue under the limitations and restrictions hereinafter established requisitions for advances of funds to disbursing officers of the Fiscal Service of the Treasury Department, under a "State account of advances" not to exceed the total amount of appropriations for the Department of State, the amounts so advanced to be used exclusively to pay upon proper vouchers obligations lawfully payable under the respective appropriations: *Provided*, That a separate "State account of advances" shall be established on the books of the Treasury Department relating to appropriations made to the Department of State for each fiscal year and that a "State account of advances" relating to the appropriations for one fiscal year shall not be used to pay vouchers pertaining to the appropriations of any other fiscal year. Expenditures from the amounts requisitioned under the "State account of advances" shall be charged to applicable appropriations on the books of the Treasury Department on the basis of transfer and counter warrants prepared in the State Department as of the close of each month and prior to audit, certification, or adjustment by the General Accounting Office. The General Accounting Office shall subsequently declare the sums fi-

nally due from the several appropriations upon audited vouchers according to law and shall certify the same to the Treasury Department which shall make the necessary adjustments between appropriations upon the basis of such audited settlements of the General Accounting Office: *Provided further,* That such adjustments shall be reflected on the books of the Government in the month and fiscal year during which the audited settlements are certified to the Treasury.

(Apr. 25, 1940, ch. 154, 54 Stat. 163; 1940 Reorg. Plan No. III, § 1(a)(1), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231.)

CODIFICATION

Section was formerly classified to section 170 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

"The Fiscal Service of the Treasury Department" was substituted for "the Division of Disbursement, Treasury Department" on authority of section 1(a)(1) of Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5, Government Organization and Employees, which consolidated such division into the Fiscal Service of the Treasury Department.

§ 2669. Printing and binding outside continental United States; settlement and payment of claims by foreign governments; employment of aliens; official functions and courtesies; purchase of uniforms; payment of tort claims

The Secretary of State, when funds are appropriated therefor, may—

(a) provide for printing and binding outside the States of the United States and the District of Columbia without regard to section 501 of title 44;

(b) for the purpose of promoting and maintaining friendly relations with foreign countries through the prompt settlement of certain claims, settle and pay any meritorious claim against the United States which is presented by a government of a foreign country for damage to or loss of real or personal property of, or personal injury to or death of, any national of such foreign country: *Provided,* That such claim is not cognizable under any other statute or international agreement of the United States and can be settled for not more than $15,000 or the foreign currency equivalent thereof;

(c) employ aliens, by contract, for services abroad;

(d) provide for official functions and courtesies;

(e) purchase uniforms; and

(f) pay tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28, when such claims arise in foreign countries in connection with Department of State operations abroad.

(Aug. 1, 1956, ch. 841, § 2, 70 Stat. 890; July 12, 1960, Pub. L. 86-624, § 2, 74 Stat. 411; Sept. 6, 1960, Pub. L. 86-707, title V, § 511(a)(2), 74 Stat. 800; Aug. 1, 1962, Pub. L. 87-565, pt. IV, § 402, 76 Stat. 263.)

CODIFICATION

"Section 501 of title 44" was substituted for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, section 1 of which enacted Title 44, Public Printing and Documents.

Section was formerly classified to section 170g of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1962—Subsec. (b). Pub. L. 87-565 added subsec. (b). A prior subsec. (b) was repealed by section 511(a)(2) of Pub. L. 86-707.

1960—Subsec. (a). Pub. L. 86-624 substituted "the States of the United States and the District of Columbia" for "the continental United States".

Subsec. (b). Pub. L. 86-707 repealed former subsec. (b) when authorized the Secretary to pay the cost of transportation to and from a place of storage and the cost of storing the furniture and household and personal effects of an employee who is assigned to a post at which he is unable to use his furniture and effects, and is now covered by section 1136(4) of this title.

§ 2670. Insurance on motor vehicles in foreign countries; tie lines and teletype equipment; ice and drinking water; excise taxes on negotiable instruments; remains of deceased persons; relief, protection, and burial of seamen; acknowledgement of services of foreign vessels and aircraft; rentals and leases

The Secretary of State is authorized to—

(a) obtain insurance on official motor vehicles operated by the Department of State in foreign countries, and pay the expenses incident thereto;

(b) rent tie lines and teletype equipment;

(c) provide ice and drinking water for United States Embassies and Consulate abroad;

(d) pay excise taxes on negotiable instruments which are negotiated by the Department of State abroad;

(e) pay the actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in international educational exchange activities under the jurisdiction of the Department of State;

(f) pay expenses incident to the relief, protection, and burial of American seamen, and alien seamen from the United States vessels in foreign countries and in the United States Territories and possessions;

(g) pay the expenses incurred in the acknowledgment of the services of officers and crews of foreign vessels and aircraft in rescuing American seamen, airmen, or citizens from shipwreck or other catastrophe abroad or at sea;

(h) rent or lease, for periods of less than ten years, such offices, buildings, grounds, and living quarters for the use of the Foreign Service abroad as he may deem necessary, and make payments therefor in advance; and

(i) maintain, improve, and repair properties rented or leased pursuant to authority contained in subsection (h) of this section and furnish fuel, water, and utilities for such properties.

(Aug. 1, 1956, ch. 841, § 3, 70 Stat. 890.)

CODIFICATION

Section was formerly classified to section 170h of Title 5 prior to the general revision and enactment of

Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 816 of this title.

§ 2671. Emergency expenditures; delegation of authority pertaining to certification of expenditures

The Secretary of State is authorized to—

(a) make expenditures, from such amounts as may be specifically appropriated therefor, for unforeseen emergencies arising in the diplomatic and consular service and, to the extent authorized in appropriations Acts, funds expended for such purposes may be accounted for in accordance with section 107 of title 31; and

(b) delegate to subordinate officials the authority vested in him by section 107 of title 31 pertaining to certification of expenditures.

(Aug. 1, 1956, ch. 841, § 4, 70 Stat. 890.)

CODIFICATION

Section was formerly classified to section 170i of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2672. Participation in international activities; restriction; expenses

The Secretary of State is authorized to—

(a) provide for participation by the United States in international activities which arise from time to time in the conduct of foreign affairs for which provision has not been made by the terms of any treaty, convention, or special Act of Congress: *Provided*, That this subsection shall not be construed as granting authority to accept membership for the United States in any international organization, or to participate in the activities of any international organization for more than one year without approval by the Congress; and

(b) pay the expenses of participation in activities in which the United States participates by authority of subsection (a) of this section, including, but not limited to the following:

(1) Employment of aliens;

(2) Travel expenses without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under subchapter I of chapter 57 of title 5;

(3) Travel expenses of persons serving without compensation in an advisory capacity while away from their homes or regular places of business not in excess of those authorized for regular officers and employees traveling in connection with said international activities; and

(4) Rental of quarters by contract or otherwise.

(Aug. 1, 1956, ch. 841, § 5, 70 Stat. 891.)

CODIFICATION

"Subchapter I of chapter 57 of title 5" referred to in par. (b)(2), was substituted for "the Travel Expense Act of 1949, as amended (5 U.S.C. 835-842)," on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to section 170j of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2672a. Alternate United States Commissioners for international fisheries commissions

In order to insure appropriate representation at meetings of international fisheries commissions, the Secretary of State, in consultation with the Secretary of Commerce or of the Interior as appropriate may designate from time to time Alternate United States Commissioners to the North Pacific Fur Seal Commission, the Inter-American Tropical Tuna Commission, the International Pacific Halibut Commission, the Great Lakes Fishery Commission, the International Whaling Commission, the Commission for the Conservation of Shrimp in the Eastern Gulf of Mexico, the International Commission for the Conservation of Atlantic Tunas, and any similar commission (other than the International Commission for the Northwest Atlantic Fisheries and the International North Pacific Fisheries Commission) established pursuant to a convention between the United States and other governments. Alternate United States Commissioners may exercise, at any meeting of the respective Commission or of the United States section thereof, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of authorized United States Commissioners that will not be present. In the event that there are Deputy United States Commissioners pursuant to the convention or statute, such Deputy United States Commissioners shall have precedence over any Alternate Commissioners so designated pursuant to this section.

(Pub. L. 92-471, title II, § 201, Oct. 9, 1972, 86 Stat. 787.)

§ 2672b. Compensation of Alternate United States Commissioners; travel expenses and other allowances

Alternate United States Commissioners shall receive no compensation for their services. They may be paid travel expenses and per diem in lieu of subsistence at the rate authorized by section 5703 of title 5 when engaged in the performance of their duties.

(Pub. L. 92-471, title II, § 202, Oct. 9, 1972, 86 Stat. 787.)

§ 2673. International Civil Aviation Organization; availability of funds for participation

The provisions of section 287e of this title, and regulations thereunder, applicable to expenses incurred pursuant to sections 287 to 287e of this title, may be applicable to the obligation and expenditure of funds in connection with United States participation in the International Civil Aviation Organization.

(Aug. 1, 1956, ch. 841, § 6, 70 Stat. 891.)

CODIFICATION

Section was formerly classified to section 170k of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in the International Civil Aviation Organization were contained in the following Department of State Appropriation Acts:

Pub. L. 94-362, title I, § 101, July 14, 1976, 90 Stat. 938.

Pub. L. 94-121, title I, § 101, Oct. 21, 1975, 89 Stat. 613.

Pub. L. 93-433, title I, § 101, Oct. 5, 1974, 88 Stat. 1188.

Pub. L. 93-162, title I, § 101, Nov. 27, 1973, 87 Stat. 637.

Pub. L. 92-544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110.

Pub. L. 92-77, title I, § 101, Aug. 10, 1971, 85 Stat. 247.

Pub. L. 91-472, title I, § 101, Oct. 21, 1970, 84 Stat. 1041.

§ 2674. Availability of exchange allowances or proceeds derived from exchange or sale of motor vehicles

The exchange allowances or proceeds derived from the exchange or sale of passenger motor vehicles in possession of the Foreign Service abroad, in accordance with section 481(c) of title 40, shall be available without fiscal year limitation for replacement of an equal number of such vehicles.

(Aug. 1, 1956, ch. 841, § 7, 70 Stat. 891.)

CODIFICATION

Section was formerly classified to section 170*l* of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2675. Transfer to other agencies of funds appropriated to the Department of State

The Secretary of State may, when authorized in an appropriation or other law, transfer to any department, agency, or independent establishment of the Government, with the consent of the head thereof, any funds appropriated to the Department of State, for direct expenditure by such department, agency, or independent establishment for the purposes for which the funds are appropriated.

(Aug. 1, 1956, ch. 841, § 8, 70 Stat. 891.)

CODIFICATION

Section was formerly classified to section 170m of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2676. Contracts in foreign countries

The Secretary of State is authorized to enter into contracts in foreign countries involving expenditures from funds appropriated or otherwise made available to the Department of State, without regard to the provisions of section 22 of title 41: *Provided*, That nothing in this section shall be construed to waive the provisions of section 431 of title 18.

(Aug. 1, 1956, ch. 841, § 9, 70 Stat. 891.)

CODIFICATION

Section was formerly classified to section 170n of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2677. Availability of funds for travel expenses and transportation of personal effects, household goods, or automobiles

Appropriated funds made available to the Department of State for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel shall be available for such expenses when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during that same fiscal year.

(Aug. 1, 1956, ch. 841, § 10, 70 Stat. 891.)

CODIFICATION

Section was formerly classified to section 170o of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2678. Use of Government-owned vehicles or taxicabs by employees in foreign countries

Notwithstanding the provisions of section 638a(c) of title 31, the Secretary of State may authorize any chief of diplomatic mission to approve the use of Government-owned vehicles or taxicabs in any foreign country for transportation of United States Government employees from their residence to the office and return when public transportation facilities other than taxicabs are unsafe or are not available.

(Aug. 1, 1956, ch. 841, § 11, 70 Stat. 892; Sept. 8, 1960, Pub. L. 86-723, § 50, 74 Stat. 847.)

CODIFICATION

"Section 638a(c) of title 31" was classified (prior to the enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378) as section 78(c) of former Title 5, Executive Departments and Government Officers and Employees.

Section was formerly classified to section 170p of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1960—Pub. L. 86-723 inserted "or taxicabs" after "Government-owned vehicles" and "other than taxicabs" after "public transportation facilities".

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective the first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723, set out as an Effective Date of 1960 Amendment note under section 809 of this title.

§ 2679. Maximum rates of per diem in lieu of subsistence payable to foreign participants in exchange of persons program or in program of furnishing technical information and assistance

The Secretary of State, with the approval of the Office of Management and Budget, shall prescribe the maximum rates of per diem in

lieu of subsistence (or of similar allowances therefor) payable while away from their own countries to foreign participants in any exchange of persons program, or in any program of furnishing technical information and assistance, under the jurisdiction of any Government agency, and said rates may be fixed without regard to any provision of law in limitation thereof.

(Aug. 1, 1956, ch. 841, § 12, 70 Stat. 892; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

CODIFICATION

Section was formerly classified to section 170q of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of Reorg. Plan No. 2 of 1970 redesignated the Bureau of the Budget as the Office of Management and Budget and the offices of Director of the Bureau of the Budget, Deputy Director of the Bureau of the Budget, and Assistant Directors of the Bureau of the Budget as Director of the Office of Management and Budget, Deputy Director of the Office of Management and Budget, and Assistant Directors of the Office of Management and Budget, respectively. Section 103 of Reorg. Plan No. 2 of 1970 transferred all records, property, personnel, and funds of the Bureau to the Office of Management and Budget. See Part I of Reorganization Plan No. 2 of 1970, set out in the Appendix to Title 5, Government Organization and Employees.

DELEGATION OF FUNCTIONS

Authority of the Secretary of State under this section to prescribe certain maximum rates of per diem in lieu of subsistence (or of similar allowances therefor), without the approval, ratification, or other action of the President, delegated to the Secretary of State, see section 4 of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2508 of this title.

§ 2679a. Death guaranties for certain Foreign Service personnel

(a) Amount of gratuity

Subject to the provisions of this section and under such regulations as the Secretary of State may prescribe, the Secretary is authorized to provide for payment of a gratuity to the surviving dependents of any Foreign Service employee who dies as a result of injuries sustained in the performance of duty outside the United States in an amount equal to one year's salary at the time of death. Appropriations for this purpose are authorized to be made to the account for salaries and expenses of the employing agency. Any death gratuity payment made under this section shall be held to have been a gift and shall be in addition to any other benefit payable from any source.

(b) Payment dependent upon survivor's election of monthly compensation

A death gratuity payment shall be made under this section only if the survivor entitled to payment under subsection (c) of this section is entitled to elect monthly compensation under section 8133 of title 5, because the death resulted from an injury (excluding a disease proximately caused by the employment) sustained in the performance of duty, without regard to whether such survivor elects to waive compensation under such section 8133.

(c) Survivors entitled to payment

A death gratuity payment under this section shall be made as follows:

(1) First, to the widow or widower.

(2) Second, to the child, or children in equal shares, if there is no widow or widower.

(3) Third, to the dependent parent, or dependent parents in equal shares, if there is no widow, widower, or child.

If there is no survivor entitled to payment under this subsection, no payment shall be made.

(d) Definitions

As used in this section—

(1) the term "Foreign Service employee" means any national of the United States who is a chief of mission, a Foreign Service officer, a Foreign Service information officer, a Foreign Service Reserve officer of limited or unlimited tenure, a Foreign Service staff officer or employee, a consular agent, or a United States representative to an international organization or commission;

(2) each of the terms "widow", "widower", "child", and "parent" shall have the same meaning given each such term by section 8101 of title 5; and

(3) the term "United States" means the several States and the District of Columbia.

(Aug. 1, 1956, ch. 841, § 14, as added Oct. 26, 1974, Pub. L. 93-375, § 10(a)-(d), 88 Stat. 1441, and amended Nov. 29, 1975, Pub. L. 94-141, title IV, § 407(a), 89 Stat. 771.)

PRIOR PROVISIONS

A prior section 14 of act Aug. 1, 1956, which was classified to section 170s of former Title 5, Executive Departments and Government Officers and Employees, was repealed by Pub. L. 86-707, title V, § 511(a)(2), Sept. 6, 1960, 74 Stat. 800, and is now covered by section 5922(b) of Title 5, Government Organization and Employees.

AMENDMENTS

1975—Subsec. (d)(1). Pub. L. 94-141 limited the definition of the term "Foreign Service employee" to any national of the United States and extended the term to include consular agents and representatives of the United States to an international organization or commission.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 407(b) of Pub. L. 94-141 provided that: "The amendment made by subsection (a) [amending subsec. (d)(1) of this section] shall apply with respect to deaths occurring on or after January 1, 1973."

EFFECTIVE DATE

Section 10(e) of Pub. L. 93-475 provided that: "The provisions of this section [enacting this section] shall

apply with respect to deaths occurring on and after January 1, 1973."

§ 2680. Appropriations for State Department; information to congressional committees

(a)(1) Notwithstanding any provision of law enacted before October 26, 1974, no money appropriated to the Department of State under any law shall be available for obligation or expenditure with respect to any fiscal year commencing on or after July 1, 1972—

(A) unless the appropriation thereof has been authorized by law enacted on or after February 7, 1972; or

(B) in excess of an amount prescribed by law enacted on or after such date.

(2) To the extent that legislation enacted after the making of an appropriation to the Department of State authorizes the obligation or expenditure thereof the limitation contained in paragraph (1) shall have no effect.

(3) The provisions of this section—

(A) shall not be superseded except by a provision of law enacted after February 7, 1972, which specifically repeals, modifies, or supersedes the provisions of this section; and

(B) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law.

(b) The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility.

(Aug. 1, 1956, ch. 841, § 15, 70 Stat. 892; Feb. 7, 1972, Pub. L. 92-226, pt. IV, § 407(b), 86 Stat. 35; July 13, 1972, Pub. L. 92-352, title I, § 102, 86 Stat. 490; Oct. 26, 1974, Pub. L. 93-475, § 11, 88 Stat. 1442; H. Res. 163, Mar. 19, 1975.)

CODIFICATION

Section was formerly classified to section 170t of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-475 incorporated existing provisions into pars. (1) preceding subpar. (A), and par. 3(B), added pars. (1)(A), (B), (2), and (3)(A), and substituted "enacted before October 26, 1974, no money appropriated to the Department of State under any law shall be available for obligation or expenditure with respect to any fiscal year commencing on or after July 1, 1972" of ", no appropriation shall be made to the Department of State under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress.", in par. (1) preceding subpar. (A), and "section" for "subsection" in par. (3).

1972—Subsec. (a). Pub. L. 92-352 added provisions that this subsection shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law.

Pub. L. 92-226 substituted provisions constituting subsecs. (a) and (b) and prohibiting any State Department appropriation on and after July 1, 1972, without a prior congressional legislative authorization, and requiring the State Department and Federal agencies to furnish information to congressional committees for former provisions constituting the entire section and authorizing and making appropriations available for the State Department.

CHANGE OF NAME

The name of the Committee on Foreign Affairs of the House of Representatives was changed to Committee on International Relations, effective Mar. 19, 1975, by House Resolution 163, 94th Congress.

CONGRESSIONAL PURPOSE RESPECTING LAWS RELATING TO DEPARTMENT OF STATE AND UNITED STATES INFORMATION AGENCY, FOREIGN RELATIONS; AND AUTHORIZATION OF APPROPRIATIONS

Section 407(a) of Pub. L. 92-226 provided that: "It is the purpose of this section [amending sections 1476, 2680, and 2684 of this title] to enable the Congress generally, and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives [now the Committee on International Relations of the House of Representatives] in particular, to carry out the purposes and intent of the Legislative Reorganization Act of 1946 and 1970 [see Short Title notes under section 72a of Title 2, The Congress], with respect to—

"(1) the analysis, appraisal, and evaluation of the application, administration, and execution of the laws relating to the Department of State and the United States Information Agency and of matters relating to the foreign relations of the United States; and

"(2) providing periodic authorizations of appropriations for that Department and Agency."

§ 2680a. Authority and responsibility of ambassadors

Under the direction of the President—

(1) the United States Ambassador to a foreign country shall have full responsibility for the direction, coordination, and supervision of all United States Government officers and employees in that country, except for personnel under the command of a United States area military commander;

(2) the Ambassador shall keep himself fully and currently informed with respect to all activities and operations of the United States Government within that country, and shall insure that all Government officers and employees in that country, except for personnel under the command of a United States area military commander, comply fully with his directives; and

(3) any department or agency having officers or employees in a country shall keep the United States Ambassador to that country fully and currently informed with respect to all activities and operations of its officers and employees in that country, and shall insure that all of its officers and employees, except for personnel under the command of a United States area military commander, comply fully with all applicable directives of the Ambassador.

(Aug. 1, 1956, ch. 841, § 16, as added Oct. 26, 1974, Pub. L. 93-475, § 12, 88 Stat. 1442.)

§ 2681. International broadcasting facilities; transfer to Department of State; acquisition of property

For the purpose of assuring continued operation of the facilities hereinafter described for international broadcasting as a means of achieving the objectives of the United States Information and Educational Exchange Act of 1948 [22 U.S.C. 1431 et seq.] under authority of that Act, the Reconstruction Finance Corporation, as successor to Defense Plant Corporation, shall transfer, without regard to the provisions of the Surplus Property Act of 1944, as amended, and without reimbursement or transfer of funds, to the Secretary of State (hereinafter referred to as the "Secretary") all of its right, title, and interest in and to the facilities known as Plancors 1805, 1985, and 1986 located in Butler County, Ohio, in the vicinity of Delano, California, and Dixon, California, respectively, together with the equipment and other property appurtenant thereto. For the purposes of sections 2681 to 2683 of this title, the Secretary is authorized to acquire property or rights or interests therein necessary or desirable for the operation of such facilities by purchase, lease, gift, transfer, condemnation, or otherwise.

(July 9, 1949, ch. 301, § 1, 63 Stat. 408.)

REFERENCES IN TEXT

The United States Information and Educational Exchange Act of 1948, referred to in text, is act Jan. 27, 1948, ch. 36, 62 Stat. 6, which is classified generally to chapter 18 (§ 1431 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1431 of this title, and Tables volume.

The Surplus Property Act of 1944, referred to in text, is act Oct. 3, 1944, ch. 479, 58 Stat. 765, which was classified principally to sections 1611 to 1646 of Title 50, Appendix, War and National Defense, and was repealed effective July 1, 1949, with the exception of sections 1622, 1631, 1637, and 1641 of Title 50 App., by act June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583. Sections 1622 and 1641 were partially repealed by the 1949 act, and section 1622 is still set out in part in Title 50 App. Section 1631 was repealed by act June 7, 1938, ch. 190, § 6(e), as added by act July 23, 1946, ch. 590, 60 Stat. 599, and is now covered by sections 98 et seq. of Title 50. Section 1637 was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and is now covered by section 3287 of Title 18, Crimes and Criminal Procedure. Provisions of section 1641 not repealed by the the 1949 act were repealed by Pub. L. 87-256, § 111(a)(1), Sept. 21, 1961, 75 Stat. 538, and are now covered by chapter 33 (§ 2451 et seq.) of Title 22, Foreign Relations and Intercourse. The provisions of the Surplus Property Act of 1944 originally repealed by the the 1949 act are now covered by chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works.

CODIFICATION

Section was formerly classified to section 170a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AUTHORITY OF DIRECTOR OF UNITED STATES INFORMATION AGENCY

Exercise of authority available under sections 2681 to 2683 of this title by the Director of the United States Information Agency, see Ex. Ord. No. 10477, Aug. 1, 1953, 18 F.R. 4540, set out as a note under section 811a of this title.

ABOLITION OF RECONSTRUCTION FINANCE CORPORATION

Section 6(a) of Reorg. Plan No. 1 of 1957, eff. June 30, 1957, 22 F.R. 4633, 71 Stat. 647, set out as a note under section 601 of Title 15, Commerce and Trade, abolished the Reconstruction Finance Corporation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2682 of this title.

§ 2682. Liquidation and disposal of broadcasting facilities

Whenever the Secretary finds that the operation of the facilities authorized by sections 2682 to 2683 of this title to be transferred is no longer necessary or desirable, he shall report such fact to Congress with his recommendations for the disposition of such facilities.

(July 9, 1949, ch. 301, § 2, 63 Stat. 408.)

CODIFICATION

Section was formerly classified to section 170b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2681 of this title.

§ 2683. Assumption of obligations of operation of broadcasting facilities

The Department of State shall assume all obligations of the Reconstruction Finance Corporation covering operations of said facilities, equipment, and appurtenant property outstanding at the date of transfer.

(July 9, 1949, ch. 301, § 3, 63 Stat. 408.)

CODIFICATION

Section was formerly classified to section 170c of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

ABOLITION OF RECONSTRUCTION FINANCE CORPORATION

Section 6(a) of Reorg. Plan No. 1 of 1957, eff. June 30, 1957, 22 F.R. 4633, 71 Stat. 647, set out as a note under section 601 of Title 15, Commerce and Trade, abolished the Reconstruction Finance Corporation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2681, 2682 of this title.

§ 2684. Capital fund for Department of State to centralize reproduction, editorial, data processing, audiovisual and other services; maximum amount; operation of fund

There is hereby established a working capital fund for the Department of State, which shall be available without fiscal year limitation, for expenses (including those authorized by the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.]) and equipment, necessary for maintenance and operation in the city of Washington and elsewhere of (1) central reproduction, editorial, data processing, audiovisual, library and administrative support services; (2) central supply services for supplies and equipment (including repairs), and (3) such other administrative services as the Secretary, with the approval of the Office of Management and

Budget, determines may be performed more advantageously and more economically as central services. The capital of the fund shall consist of the amount of the fair and reasonable value of such supply inventories, equipment, and other assets and inventories on order, pertaining to the services to be carried on by the fund, as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations, together with any appropriations made for the purpose of providing capital. Not to exceed $750,000 in net assets shall be transferred to the fund for purposes of providing capital. The fund shall be reimbursed, or credited with advance payments, from applicable appropriations and funds of the Department of State, other Federal agencies, and other sources authorized by law, for supplies and services at rates which will approximate the expense of operations, including accrual of annual leave and depreciation of plant and equipment of the fund. The fund shall also be credited with other receipts from sale or exchange of property or in payment for loss or damage to property held by the fund. There shall be transferred into the Treasury as miscellaneous receipts, as of the close of each fiscal year, earnings which the Secretary determines to be excess to the needs of the fund.

(Aug. 1, 1956, ch. 841, § 13, as added Dec. 16, 1963, Pub. L. 88-205, pt. IV, § 405, 77 Stat. 391, and amended 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970 35 F.R. 7959, 84 Stat. 2085; Feb. 7, 1972, Pub. L. 92-226, pt. IV, § 407(c), 86 Stat. 35.)

REFERENCES IN TEXT

The Foreign Service Act of 1946, as amended, referred to in the text, is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified principally to chapter 14 (§ 801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables volume.

CODIFICATION

Section was formerly classified to section 170u of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1972—Pub. L. 92-226 struck out last sentence authorizing appropriation of amounts necessary to provide capital for the fund. See section 2680 of this title.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of Reorg. Plan No. 2, of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of Reorg. Plan No. 2 of 1970 redesignated the Bureau of the Budget as the Office of Management and Budget and the offices of Director of the Bureau of the Budget, Deputy Director of the Bureau of the Budget, and Assistant Directors of the Bureau of the Budget as Director of the Office of Management and Budget, Deputy Director of the Office of Management and Budget, and Assistant Directors of the Office of Management and Budget, respectively. Section 103 of Reorg. Plan No. 2 of 1970 transferred all records, property, personnel, and funds of the Bureau to the Office of Management and Budget. See Part I of Reorganization Plan No. 2 of 1970, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2685. Reimbursement for detailed State Department personnel

(a) An Executive agency to which any officer or employee of the Department of State is detailed, assigned, or otherwise made available, shall reimburse the Department for the salary and allowances of each such officer or employee for the period the officer or employee is so detailed, assigned, or otherwise made available. However, if the Department of State has an agreement with an Executive agency or agencies providing for the detailing, assigning, or otherwise making available, of substantially the same numbers of officers and employees between the Department and the Executive agency or agencies, and such numbers with respect to a fiscal year are so detailed, assigned, or otherwise made available, or if the period for which the officer or employee is so detailed, assigned, or otherwise made available does not exceed ninety days, no reimbursement shall be required to be made under this section.

(b) For purposes of this section, "Executive agency" has the same meaning given that term by section 105 of title 5.

(Pub. L. 93-126, § 11, Oct. 18, 1973, 87 Stat. 453.)

§ 2686. Review of world-wide supply, demand, and price of basic raw and processed materials

It is the sense of the Congress that the Secretary of State should, and he is authorized to, establish within the Department of State a bureau which shall be responsible for continuously reviewing (1) the supply, demand, and price, throughout the worlds, of basic raw and processed materials (including agricultural commodities), and (2) the effect of United States Government programs and policies (including tax policy) in creating or alleviating, or assisting in creating or alleviating, shortages of such materials. In conducting such review, the bureau should obtain information with respect to—

(A) the supply, demand, and price of each such material in each major importing, exporting, and producing country and region of the world in order to understand long-term and short-term trends in the supply, demand, and price of such materials;

(B) projected imports and exports of such materials on a country-by-country basis;

(C) unusual patterns or changes in connection with the purchase or sale of such materials;

(D) a list of such materials in short supply and an estimate of the amount of shortage;

(E) international geological, geophysical, and political conditions which may affect the supply of such materials; and

(F) other matters that the Secretary considers appropriate in carrying out this section.

(Pub. L. 93-475, § 14, Oct. 26, 1974, 88 Stat. 1443.)

§ 2687. Use of appropriated funds for unusual expenses of United States Representative to Organization of American States

The Secretary of State is authorized to use appropriated funds for unusual expenses similar to those authorized by section 5913 of title 5 incident to the operation and maintenance of

the living quarters of the United States Representative to the Organization of American States.

(Aug. 1, 1956, ch. 841, § 17, as added Nov. 29, 1975, Pub. L. 94-141, title I, § 101(c), 89 Stat. 756.)

§ 2688. Ambassadors; criteria regarding selection and confirmation

It is the sense of the Congress that the position of United States ambassador to a foreign country should be accorded to men and women possessing clearly demonstrated competence to perform ambassadorial duties. No individual should be accorded the position of United States ambassador to a foreign country primarily because of financial contributions to political campaigns.

(Aug. 1, 1956, ch. 841, § 18, as added Nov. 29, 1975, Pub. L. 94-141, title I, § 104, 89 Stat. 757.)

§ 2689. American Sections, International Joint Commission, United States and Canada; funds for representation expenses and official entertainment within the United States

Each fiscal year (beginning with fiscal year 1977), the Secretary of State may use not to exceed $1,500 of the funds appropriated for the American Sections, International Joint Commission, United States and Canada, for representation expenses and official entertainment within the United States for such American Sections.

(Aug. 1, 1956, ch. 841, § 19, as added July 12, 1976, Pub. L. 94-350, title I, § 104, 90 Stat. 824.)

§ 2690. Foreign gifts; audit; reports to Congress

Any expenditure for any gift for any person of any foreign country which involves any funds made available to meet unforeseen emergencies arising in the Diplomatic and Consular Service shall be audited by the Comptroller General and reports thereon made to the Congress to such extent and at such times as he may determine necessary. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property pertaining to such expenditure and necessary to facilitate the audit.

(Aug. 1, 1956, ch. 841, § 20, as added July 12, 1976, Pub. L. 94-350, title I, § 116(a), 90 Stat. 827.)

CHAPTER 39—ARMS EXPORT CONTROL

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SUBCHAPTER I—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS

§ 2751. Need for international defense cooperation and military export controls; Presidential waiver; report to Congress; arms sales policy

As declared by the Congress in the Arms Control and Disarmament Act [22 U.S.C. 2551 et seq.], an ultimate goal of the United States continues to be a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. In furtherance of that goal, it remains the policy of the United States to encourage regional arms control and disarmament agreements and to discourage arms races.

The Congress recognizes, however, that the United States and other free and independent countries continue to have valid requirements for effective and mutually beneficial defense relationships in order to maintain and foster the environment of international peace and security essential to social, economic, and political progress. Because of the growing cost and complexity of defense equipment, it is increasingly difficult and uneconomic for any country, particularly a developing country, to fill all of its legitimate defense requirements from its own design and production base. The need for international defense cooperation among the United States and those friendly countries to which it is allied by mutual defense treaties is especially important, since the effectiveness of their armed forces to act in concert to deter or defeat aggression is directly related to the operational compatibility of their defense equipment.

Accordingly, it remains the policy of the United States to facilitate the common defense by entering into international arrangements with friendly countries which further the objective of applying agreed resources of each country to programs and projects of cooperative exchange of data, research, development, production, procurement, and logistics support to achieve specific national defense requirements and objectives of mutual concern. To this end, this chapter authorizes sales by the United States Government to friendly countries having sufficient wealth to maintain and equip their own military forces at adequate strength, or to assume progressively larger shares of the costs thereof, without undue burden to their economies, in accordance with the restraints and control measures specified herein and in furtherance of the security objectives of the United States and of the purposes and principles of the United Nations Charter.

It is the sense of the Congress that all such sales be approved only when they are consistent with the foreign policy interests of the United States, the purposes of the foreign assistance program of the United States as embodied in the Foreign Assistance Act of 1961, as

amended [22 U.S.C. 2151 et seq.], the extent and character of the military requirement, and the economic and financial capability of the recipient country, with particular regard being given, where appropriate, to proper balance among such sales, grant military assistance, and economic assistance as well as to the impact of the sales on programs of social and economic development and on existing or incipient arms races.

It is further the sense of Congress that sales and guaranties under sections 2761, 2762, 2763, and 2764 of this title, shall not be approved where they would have the effect of arming military dictators who are denying the growth of fundamental rights or social progress to their own people: *Provided*, That the President may waive this limitation when he determines it would be important to the security of the United States, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations in the Senate.

It shall be the policy of the United States to exert leadership in the world community to bring about arrangements for reducing the international trade in implements of war and to lessen the danger of outbreak of regional conflict and the burdens of armaments. United States programs for or procedures governing the export, sale, and grant of defense articles and defense services to foreign countries and international organizations shall be administered in a manner which will carry out this policy.

It is the sense of the Congress that the President should seek to initiate multilateral discussions for the purpose of reaching agreements among the principal arms suppliers and arms purchasers and other countries with respect to the control of the international trade in armaments. It is further the sense of Congress that the President should work actively with all nations to check and control the international sale and distribution of conventional weapons of death and destruction and to encourage regional arms control arrangements. In furtherance of this policy, the President should undertake a concerted effort to convene an international conference of major arms-supplying and arms-purchasing nations which shall consider measures to limit conventional arms transfers in the interest of international peace and stability.

It is the sense of the Congress that the aggregate value of defense articles and defense services—

(1) which are sold under section 2761 or section 2762 of this title; or

(2) which are licensed or approved for export under section 2778 of this title to, for the use, or for benefit of the armed forces, police, intelligence, or other internal security forces of a foreign country or international organization under a commercial sales contract;

in any fiscal year should not exceed current levels.

(Pub. L. 90-629, ch. 1, § 1, Oct. 22, 1968, 82 Stat. 1321; Pub. L. 91-672, § 4, Jan. 12, 1971, 84 Stat. 2053; Pub. L. 93-189, § 25(1), Dec. 17, 1973, 87 Stat. 729; Pub. L. 94-329, title II, § 202(a), June 30, 1976, 90 Stat. 734.)

REFERENCES IN TEXT

The Arms Control and Disarmament Act, referred to in text, is Pub. L. 87-297, Sept. 26, 1961, 75 Stat. 631, as amended, which is classified generally to chapter 35 (§ 2551 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2551 of this title, and Tables volume.

The Foreign Assistance Act of 1961, as amended, referred to in text, is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1976—Pub. L. 94-329 substituted in last paragraph provision relating to a new statement of policy whereby the United States shall exert leadership in the reduction of international trade in arms, and in that regard, the President to initiate discussions and actively work with other nations with a view towards control of international trade in arms, for provisions relating to a reduction in the role of the United States in furnishing of defense articles and defense services to foreign countries and international organizations by decreasing sales, credit sales and guarantees of such articles and services.

1973—Pub. L. 93-189 added last paragraph relating to a reduction by the United States in the furnishing of defense articles and defense services to foreign countries.

1971—Pub. L. 91-672 substituted "denying the growth of fundamental rights or social progress" for "denying social progress" in the last paragraph.

EFFECTIVE DATE

Section 41 of Pub. L. 90-629 provided that: "This Act [which enacted this chapter, amended sections 2382(b), (c), 2392(d), 2394(d), and 2403(m) of this title, repealed sections 2341 to 2343, 2344(b)(3), 2345, 2394(g), and 2399a of this title, and enacted provisions set out as notes under this section and section 2341 of this title] shall take effect on July 1, 1968".

SHORT TITLE

Pub. L. 90-629, as amended by section 201(a) of Pub. L. 94-329, provided: "That this Act [which enacted this chapter, amended sections 2382, 2392, 2394, and 2403 of this title, repealed sections 2341 to 2343, 2344, 2345, 2394, and 2399 of this title, and enacted provisions set out as notes under this section and section 2341 of this title] may be cited as the 'Arms Export Control Act'."

REFERENCES TO FOREIGN MILITARY SALES ACT DEEMED REFERENCE TO ARMS EXPORT CONTROL ACT

Section 201(b) of Pub. L. 94-329 provided that: "Any reference to the Foreign Military Sales Act [see Short Title note above] shall be deemed to be a reference to the Arms Export Control Act."

REFERENCES TO PRESENT INSTEAD OF PAST PROVISIONS; SPECIFIC APPLICATION OF OTHER PROVISIONS TO THIS CHAPTER

Section 45(c) of Pub. L. 90-629 provided that: "References in law to the provisions of law repealed by subsection (a) of this section [sections 2341 to 2343, 2344(b)(3), 2345, 2394(g), and 2399a of this title] shall hereafter [on and after Oct. 22, 1968] be deemed to be references to this Act [this chapter] or appropriate provisions of this Act [this chapter]. Except for the laws specified in section 44 [section 2793 of this title], no other provision of law shall be deemed to apply to this Act [this chapter] unless it refers specifically to this Act [this chapter] or refers generally to sales of defense articles and defense services under any Act".

STUDY BY SECRETARIES OF STATE AND DEFENSE ON CONSEQUENCES OF ENACTMENT OF ARMS EXPORT CONTROL PROVISIONS

Section 218 of Pub. L. 94-329 provided that:

"(a) The Secretary of State, in consultation with the Secretary of Defense, shall conduct a comprehensive study of the effects of the enactment of the arms export control provisions contained in this title [enacting sections 2765 and 2778 of this title, amending sections 2314, 2321, 2394, 2417, 2751, 2752, 2753, 2761, 2762, 2763, 2771, 2776, 2791, 2792 and 2794 of this title, repealing section 1934 of this title and enacting provisions set out as notes under this section and sections 1934, 2314, 2321, 2753, 2763, 2776 and 2778 of this title.] with a view to determining the consequences of such provisions on (1) the foreign policy of the United States, (2) the balance of payments of the United States, (3) the trade with foreign countries, (4) unemployment in the United States, and (5) weapons procurement by the Department of Defense.

"(b) The Secretary of State shall submit the results of such study to the President and the Congress within one year after the date of enactment of this section [June 30, 1976], together with such comments and recommendations for legislation as he deems appropriate."

STUDY OF UNITED STATES ARMS SALES POLICIES AND PRACTICES BY PRESIDENT; REPORT TO CONGRESS

Section 202(b) of Pub. L. 94-329 provided that:

"(1) The President shall conduct a comprehensive study of the arms sales policies and practices of the United States Government, including policies and practices with respect to commercial arms sales, in order to determine whether such policies and practices should be changed. Such study shall examine the rationale for arms sales to foreign countries, the benefits to the United States of such arms sales, the risks to world peace as a result of such arms sales, trends in arms sales by the United States and other countries, and steps which might be taken by the United States to provide for limitations on arms sales. In addition, such study shall include an evaluation of the impact of United States arms sales policies on the economic and social development of foreign countries and consideration of steps which might be taken by the United States to encourage the maximum use of the resources of the developing countries for economic and social development purposes.

"(2) Not later than the end of the one-year period beginning on the date of enactment of this section [June 30, 1976], the President shall submit to the Congress a report setting forth in detail (A) the findings made and conclusions reached as a result of the study conducted pursuant to paragraph (1) of this subsection, together with such recommendations for legislation as the President deems appropriate, (B) the efforts made by the United States during the five years immediately preceding the submission of such report to initiate and otherwise encourage arms sales limitations, and (C) the efforts being made by the United States at the time of the submission of such report to initiate and otherwise encourage arms sales limitations in accordance with the policies stated in the amendment made by subsection (a) of this section [amending this section]."

PRESIDENTIAL REPORT REGARDING SALES OF EXCESS DEFENSE ARTICLES TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

Section 217 of Pub. L. 94-329 provided that:

"Not later than February 28, 1977, the President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a full and complete report regarding all sales made under the Arms Export Control Act [this chapter] during the period July 1, 1976, through December 31, 1976, of excess defense articles to foreign governments and international organizations (other than any such article sold solely for scrap). Such report shall set forth—

"(1) the number of such sales;

"(2) the total acquisition costs of the articles sold;

"(3) the total gross price paid for such articles exclusive of administrative surcharges and costs of repairing, rehabilitation, or modifying such articles;

"(4) the data set forth under paragraphs (1), (2), and (3) totaled separately for those sales made at less than 33⅓ per centum of the acquisition costs thereof; and

"(5) the estimated total proceeds of sales of articles included under paragraph (4) if such articles had been sold instead through United States Government surplus property disposal operations and the percentage thereof that would have been paid out of such proceeds to meet direct expenses incurred in connection with such dispositions pursuant to law."

ADDITIONAL MILITARY AND CIVILIAN PERSONNEL FOR DEPARTMENT OF DEFENSE

Pub. L. 94-329, title VI, § 605(a), June 30, 1976, 90 Stat. 768, provided that: "Nothing in this Act [see Short Title of 1976 Amendment note under section 2151 of the title] is intended to authorize any additional military or civilian personnel for the Department of Defense for the purposes of this Act, the Foreign Assistance Act of 1961 [section 2151 et seq. of this title], or the Arms Export Control Act [this chapter]. Personnel levels authorized in statutes authorizing appropriations for military and civilian personnel of the Department of Defense shall be controlling over all military and civilian personnel of the Department of Defense assigned to carry out functions under the Arms Export Control Act and the Foreign Assistance Act of 1961."

TOTAL NUMBER OF CREDITS TO BE EXTENDED BETWEEN JULY 1, 1976, AND SEPTEMBER 30, 1976

Section 506(b) of Pub. L. 94-329 provided that the total number of credits extended pursuant to this chapter, between July 1, 1976, and Sept. 30, 1976, not exceed an amount equal to one-fourth of the total amount of credits extended and guaranteed for fiscal year 1976.

SALES TO THE MIDDLE EAST; REQUESTS FOR ADDITIONAL APPROPRIATIONS

Section 5 of Pub. L. 91-672 provided that: "It is the sense of Congress that (1) the President should continue to press forward urgently with his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East, (2) the President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, and (3) if the authorization provided in the Foreign Military Sales Act, as amended [this chapter], should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation."

REVIEW OF MILITARY AID PROGRAMS AND EFFORTS FOR REGULATION OF CONVENTIONAL ARMS TRADE

Section 6 of Pub. L. 91-672 provided that:

"It is the sense of the Congress that—

"(1) the President should immediately institute a thorough and comprehensive review of the military aid programs of the United States, particularly with respect to the military assistance and sales operations of the Department of Defense, and

"(2) the President should take such actions as may be appropriate—

"(A) to initiate multilateral discussions among the United States, the Union of Soviet Socialist Republics, Great Britain, France, West Germany,

Italy and other countries on the control of the worldwide trade in armaments,

"(B) to commence a general debate in the United Nations with respect to the control of the conventional arms trade, and

"(C) to use the power and prestige of his office to signify the intention of the United States to work actively with all nations to check and control the international sales and distribution of conventional weapons of death and destruction."

EXECUTIVE ORDER NO. 11501

Ex. Ord. No. 11501, Dec. 22, 1969, 34 F.R. 20169, as amended by Ex. Ord. No. 11685, Sept. 25, 1972, 37 F.R. 20155, formerly set out as a note under this section, which related to the administration of this chapter, was revoked by Ex. Ord. No. 11958, Jan. 18, 1977, 42 F.R. 4311, set out as a note under this section.

EX. ORD. NO. 11958. ADMINISTRATION OF CHAPTER

Ex. Ord. No. 11958, Jan. 18, 1977, 42 F.R. 4311, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Arms Export Control Act, as amended (22 U.S.C. 2751 *et seq.*), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. *Delegation of Functions.* The following functions conferred upon the President by the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), hereinafter referred to as the Act, are delegated as follows:

(a) Those under Section 3 of the Act [section 2753 of this title], with the exception of subsections (a)(1), (b), (c)(3) and (c)(4), to the Secretary of State: *Provided,* That the Secretary of State, in the implementation of the functions delegated to him under Sections 3(a) and (d) of the Act, is authorized to find, in the case of a proposed transfer of a defense articles or related training or other defense service by a foreign country or international organization not otherwise eligible under Section 3(a)(1) of the Act, whether the proposed transfer will strengthen the security of the United States and promote world peace.

(b) Those under Section 5 [section 2755 of this title] to the Secretary of State.

(c) Those under Section 21 of the Act [section 2761 of this title], with the exception of the last sentence of subsection (d) and all of subsection (h), to the Secretary of Defense.

(d) Those under Section 22(a) of the Act [section 2762(a) of this title] to the Secretary of Defense.

(e) Those under Section 23 of the Act [section 2763 of this title], with the exception of the functions of certifying a rate of interest to the Congress as provided by paragraph (2) of that Section, to the Secretary of Defense.

(f) Those under Section 24 of the Act [section 2764 of this title] to the Secretary of Defense.

(g) Those under Section 25 of the Act [section 2765 of this title] to the Secretary of State. The Secretary of Defense and the Director of the Arms Control and Disarmament Agency, within their respective areas of responsibility, shall assist the Secretary of State in the preparation of materials for presentation to the Congress under that Section.

(h) Those under Section 34 of the Act [section 2774 of this title] to the Secretary of State. To the extent the standards and criteria for credit and guaranty transactions are based upon national security and financial policies, the Secretary of State shall obtain the prior concurrence of the Secretary of Defense and the Secretary of the Treasury, respectively.

(i) Those under Section 35(a) of the Act [section 2775(a) of this title] to the Secretary of State.

(j) Those under Sections 36(a) and 36(b)(1) of the Act [section 2776(a) and (b)(1) of this title], except with respect to the certification of an emergency as provided by subsection (b)(1), to the Secretary of Defense. The Secretary of Defense, in the implementation of the functions delegated to him under Sections 36(a) and (b)(1) shall consult with the Secretary of State, who shall, with respect to matters related to subparagraphs (D) and (I) of Section 36(b)(1), consult with the Director of the Arms Control and Disarmament Agency. With respect to those functions under Sections 36(a)(5) and (6), the Secretary of Defense shall consult with the Director of the Office of Management and Budget.

(k) Those under Sections 36(c) and (d) of the Act [section 2776(c) and (d) of this title] to the Secretary of State.

(l) Those under Section 38 of the Act [section 2778 of this title]:

(1) to the Secretary of State, except as otherwise provided in this subsection. Designations, including changes in designations, by the Secretary of State of items or categories of items which shall be considered as defense articles and defense services subject to export control under Section 38 shall have the concurrence of the Secretary of Defense;

(2) to the Secretary of the Treasury, to the extent they relate to the control of the import of defense articles and defense services. In carrying out such functions, the Secretary of the Treasury shall be guided by the views of the Secretary of State on matters affecting world peace, and the external security and foreign policy of the United States. Designations including changes in designations, by the Secretary of the Treasury of items or categories of items which shall be considered as defense articles and defense services subject to import control under Section 38 of the Act [section 2778 of this title] shall have the concurrence of the Secretary of State and the Secretary of Defense;

(3) to the Secretary of Commerce, to carry out on behalf of the Secretary of State, to the extent such functions involve Section 38(e) of the Act [section 2778(e) of this title] and are agreed to by the Secretary of State and the Secretary of Commerce.

(m) Those under Section 39(b) of the Act [section 2779(b) of this title] to the Secretary of State. In carrying out such functions, the Secretary of State shall consult with the Secretary of Defense as may be necessary to avoid interference in the application of Department of Defense regulations to sales made under Section 22 of the Act [section 2762 of this title].

(n) Those under Sections 42(c) and (f) of the Act [section 2791(c) and (f) of this title] to the Secretary of Defense.

SEC. 2. *Coordination.* (a) In addition to the specific provisions of Section 1 of this Order, the Secretary of State and the Secretary of Defense, in carrying out the functions delegated to them under this Order, shall consult with each other and with the heads of other departments and agencies, including the Secretary of the Treasury, the Administrator of the Agency for International Development, and the Director of the Arms Control and Disarmament Agency, on matters pertaining to their responsibilities.

(b) In accordance with Section 2(b) of the Act [section 2752(b) of this title] and under the directions of the President, the Secretary of State, taking into account other United States activities abroad, shall be responsible for the continuous supervision and general direction of sales and exports under the Act, including but not limited to, the negotiation, conclusion, and termination of international agreements, and determining whether there shall be a sale to a country and the amount thereof, and whether there shall be delivery or other performance under such sale or export, to the end that sales and exports are integrated with other United States activities and the foreign policy of the United States is best served thereby.

SEC. 3. *Allocation of Funds.* Funds appropriated to the President for carrying out the Act shall be deemed to be allocated to the Secretary of Defense without any further action of the President.

SEC. 4. *Revocation.* Executive Order No. 11501, as amended, is revoked; except that, to the extent consistent with this Order, all determinations, authorizations, regulations, rulings, certificates, orders, direc-

tives, contracts, agreements, and other actions made, issued, taken or entered into under the provisions of Executive Order No. 11501, as amended, and not revoked, superseded or otherwise made inapplicable, shall continue in full force and effect until amended, modified or terminated by appropriate authority.

GERALD R. FORD.

§ 2752. Coordination with foreign policy

(a) Noninfringement of powers or functions of Secretary of State

Nothing contained in this chapter shall be construed to infringe upon the powers or functions of the Secretary of State.

(b) Responsibility of Secretary of State for supervision and direction of sales

Under the direction of the President, the Secretary of State, taking into account other United States activities abroad, such as military assistance, economic assistance, and food for freedom, shall be responsible for the continuous supervision and general direction of sales and exports under this chapter, including, but not limited to, determining whether there shall be a sale to a country and the amount thereof and whether there shall be delivery or other performance under such sale or export, to the end that sales and exports are integrated with other United States activities and the foreign policy of the United States is best served thereby.

(c) Coordination among representatives of United States

The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission. The Chief of the diplomatic mission shall make sure that recommendations of such representatives pertaining to sales are coordinated with political and economic considerations, and his comments shall accompany such recommendations if he so desires.

(Pub. L. 90–629, ch. 1, § 2, Oct. 22, 1968, 82 Stat. 1322; Pub. L. 94–329, title II, § 212(a)(2), June 30, 1976, 90 Stat. 745.)

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-329 inserted "and exports" after "sales" wherever appearing and "and whether there shall be delivery or other performance under such sale or export," after "thereof,".

§ 2753. Eligibility for defense services or defense articles

(a) Prerequisites for consent by President; report to Congress

No defense article or defense service shall be sold by the United States Government under this chapter to any country or international organization unless—

(1) the President finds that the furnishing of defense articles and defense services to such country or international organization will strengthen the security of the United States and promote world peace;

(2) the country or international organization shall have agreed not to transfer title to, or possession of, any defense article or related training or other defense service so furnished to it to anyone not an officer, employee, or agent of that country or international organization and not to use or permit the use of such article or related training or other defense service for purposes other than those for which furnished unless the consent of the President has first been obtained;

(3) the country or international organization shall have agreed that it will maintain the security of such article and will provide substantially the same degree of security protection afforded to such article by the United States Government; and

(4) the country or international organization is otherwise eligible to purchase defense articles or defense services.

In considering a request for approval of any transfer of any weapon, weapons system, munitions, aircraft, military boat, military vessel, or other implement of war to another country, the President shall not give his consent under paragraph (2) to the transfer unless the United States itself would transfer the defense article under consideration to that country. In addition, the President shall not give his consent under paragraph (2) to the transfer of any significant defense articles on the United States Munitions List unless the foreign country requesting consent to transfer agrees to demilitarize such defense articles prior to transfer, or the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense articles, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President. The President shall promptly submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate on the implementation of each agreement entered into pursuant to clause (2) of this subsection.

(b) Seizing or fining American fishing vessels; prohibition on sales, etc., to countries engaging in; waiver by President

No sales, credits, or guaranties shall be made or extended under this chapter to any country during a period of one year after such country seizes, or takes into custody, or fines an American fishing vessel for engaging in fishing more than twelve miles from the coast of that country. The President may waive the provisions of this subsection when he determines it to be important to the security of the United States or he receives reasonable assurances from the country involved that future violations will not occur, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate. The provisions of this subsection shall not be applicable in any case governed by an international agreement to which the United States is a party.

(c) Termination of credits, guaranties or sales; report of violation by President; national security exception; conditions for reinstatement

(1)(A) No credits (including participations in credits) may be issued and no guaranties may be extended for any foreign country under this chapter as hereinafter provided, if such country uses defense articles or defense services fur-

nished under this chapter, or any predecessor Act, in substantial violation (either in terms of quantities or in terms of the gravity of the consequences regardless of the quantities involved) of any agreement entered into pursuant to any such Act (i) by using such articles or services for a purpose not authorized under section 2754 of this title or, if such agreement provides that such articles or services may only be used for purposes more limited than those authorized under section 2754 of this title for a purpose not authorized under such agreement; (ii) by transferring such articles or services to, or permitting any use of such articles or services by, anyone not an officer, employee, or agent of the recipient country without the consent of the President; or (iii) by failing to maintain the security of such articles or services.

(B) No cash sales or deliveries pursuant to previous sales may be made with respect to any foreign country under this chapter as hereinafter provided, if such country uses defense articles or defense services furnished under this chapter, or any predecessor Act, in substantial violation (either in terms of quantity or in terms of the gravity of the consequences regardless of the quantities involved) of any agreement entered into pursuant to any such Act by using such articles or services for a purpose not authorized under section 2754 of this title or, if such agreement provides that such articles or services may only be used for purposes more limited than those authorized under section 2754 of this title, for a purpose not authorized under such agreement.

(2) The President shall report to the Congress promptly upon the receipt of information that a violation described in paragraph (1) of this subsection may have occurred.

(3)(A) A country shall be deemed to be ineligible under subparagraph (A) of paragraph (1) of this subsection, or both subparagraphs (A) and (B) of such paragraph in the case of a violation described in both such paragraphs, if the President so determines and so reports in writing to the Congress, or if the Congress so determines by joint resolution.

(B) Notwithstanding a determination by the President of ineligibility under subparagraph (B) of paragraph (1) of this subsection, cash sales and deliveries pursuant to previous sales may be made if the President certifies in writing to the Congress that a termination thereof would have significant adverse impact on United States security, unless the Congress adopts or has adopted a joint resolution pursuant to subparagraph (A) of this paragraph with respect to such ineligibility.

(4) A country shall remain ineligible in accordance with paragraph (1) of this subsection until such time as—

(A) the President determines that the violation has ceased; and

(B) the country concerned has given assurances satisfactory to the President that such violation will not recur.

(d) Submission of written certification to Congress; contents; classified material

The President may not give his consent under paragraph (2) of subsection (a) of this section or under the third sentence of such subsection to a transfer of a defense article, or related training or other defense service, sold under this chapter and may not give his consent to such a transfer under section 2314(a)(1) or (a)(4) of this title unless, 30 days prior to giving such consent, the President submits to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a written certification with respect to such proposed transfer containing—

(1) the name of the country or international organization proposing to make such transfer,

(2) a description of the defense article or related training or other defense service proposed to be transferred, including the original acquisition cost of such defense article or related training or other defense service,

(3) the name of the proposed recipient of such defense article or related training or other defense service,

(4) the reasons for such proposed transfer, and

(5) the date on which such transfer is proposed to be made.

Any certification submitted to Congress pursuant to this subsection shall be unclassified, except that information regarding the dollar value and number of defense articles, or related training or other defense services, proposed to be transferred may be classified if public disclosure thereof would be clearly detrimental to the security of the United States.

(e) Transfers without consent of President; report to Congress

If the President receives any information that a transfer of any defense article, or related training or other defense service, has been made without his consent as required under this section or under section 2314 of this title, he shall report such information immediately to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Pub. L. 90-629, ch. 1, § 3, Oct. 22, 1968, 82 Stat. 1322; Pub. L. 91-672, § 1, Jan. 12, 1971, 84 Stat. 2053; Pub. L. 93-189, § 25(2), Dec. 17, 1973, 87 Stat. 729; Pub. L. 93-559, § 45(a)(1), Dec. 30, 1974, 88 Stat. 1813; Pub. L. 94-329, title II, §§ 203(a), 204(a), (b)(1), title III, § 304(b), June 30, 1976, 90 Stat. 735, 736, 754, 755.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-329, §§ 203(a), 204(b)(1), inserted in par. (2) "or related training or other defense service" after "article" wherever appearing and struck out provisions following par. (4) relating to the President's notification of his consent to transfer war implements to another country, in writing, to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate indicating his justification for the transfer and the particular war implement transferred.

Subsec. (c). Pub. L. 94-329, § 304(b)(1), provided that the President, by so stating in writing to Congress, or Congress, by joint resolution, terminate credits, guaranties or sales upon determining a violation, permitted cash sales and deliveries pursuant to previous sales to be made if the President certifies in writing to Congress that termination thereof would be adverse to national security unless Congress adopts or has adopted a joint resolution determining such eligibility, and specified conditions for reinstatement of eligibility.

Subsec. (d). Pub. L. 94-329, §§ 204(a), 304(b)(2), added subsec. (d). Former subsec. (d), which related to conditions for reinstatement after a determination of ineligibility, was repealed and is now covered by subsec. (c).

Subsec. (e). Pub. L. 94-329, §§ 204(a), 304(b)(2), added subsec. (e).

1974—Subsec. (d). Pub. L. 93-559 deleted first sentence provision respecting furnishing of sophisticated weapons to countries in violation of agreements pursuant to subsec. (a)(2) of this section, section 2314(a) of this title, or other similar provisions and substituted "in accordance with subsection (c) of this section" for "in accordance with this subsection".

1973—Subsec. (a). Pub. L. 93-189, § 25(2)(A) to (C), in par. (2) added the requirement not to use or permit the use of such articles for purposes other than those for which furnished, redesignated former par. (3) as (4), added a new par. (3), and following par. (4), as so redesignated, added provisions relating to Presidential consideration of requests prior to consent under par. (2).

Subsecs. (c), (d). Pub. L. 93-189, § 25(2)(D), added subsecs. (c) and (d).

1971—Subsec. (b). Pub. L. 91-672 extended the retaliatory measures against countries seizing, taking custody or fining American vessels for fishing outside of twelve miles of their coast, to sales, credits, guaranties, and laid down a period of one year as the extent of such prohibition, and added assurances of future restraint received from such countries as an additional ground for waiver, and provided exception that the prohibition will not apply in cases governed by international agreements to which the United States is a party.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 203(a) of Pub. L. 94-329 provided in part that the amendment to subsec. (a)(2) of this section by Pub. L. 94-329 shall take effect July 1, 1976.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2370, 2765 of this title.

§ 2754. Purposes for which military sales by the United States are authorized; report to Congress

Defense articles and defense services shall be sold by the United States Government under this chapter to friendly countries solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security, or for the purpose of enabling foreign military forces in less developed friendly countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civic action activities and that such civic action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with and form part of the total economic and social development effort: *Provided,* That none of the funds contained in this authorization shall be used to guarantee, or extend credit, or participate in an extension of credit in connection with any sale of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines and Korea unless the President determines that such financing is important to the national security of the United States and reports within thirty days each such determination to the Congress.

(Pub. L. 90-629, ch. 1, § 4, Oct. 22, 1968, 82 Stat. 1322.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2753 of this title.

§ 2755. Discrimination prohibited if based on race, religion, national origin, or sex

(a) Congressional declaration of policy

It is the policy of the United States that no sales should be made, and no credits (including participations in credits) or guaranties extended to or for any foreign country, the laws, regulations, official policies, or governmental practices of which prevent any United States person (as defined in section 7701(a)(30) of title 26) from participating in the furnishing of defense articles or defense services under this chapter on the basis of race, religion, national origin, or sex.

(b) Employment of personnel; required contractual provision

(1) No agency performing functions under this chapter shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

(2) Each contract entered into by any such agency for the performance of any function under this chapter shall contain a provision to the effect that no person, partnership, corporation, or other entity performing functions pursuant to such contract, shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

(c) Report by President; contents

The President shall promptly transmit reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate concerning any instance in which any United States person (as defined in section 7701(a)(30) of title 26) is prevented by a foreign government on the basis of race, religion, national origin, or sex, from participating in the performance of any sale or licensed transaction under this chapter. Such reports shall include (1) a description of the facts and circumstances of any such discrimination, (2) the response thereto on the part of the United States or any agency or employee thereof, and (3) the result of such response, if any.

(d) Congressional request for information from President; information required; 60 day period; failure to supply information; termination or restriction of sale

(1) Upon the request of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, the President shall, within 60 days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Coordinator for Human Rights and Humanitarian Affairs, with respect to the country designated in such request, setting forth—

(A) all the available information about the exclusionary policies or practices of the government of such country when such policies or practices are based upon race, religion, national origin or sex and prevent any such person from participating in the performance of any sale or licensed transaction under this chapter;

(B) the response of the United States thereto and the results of such response;

(C) whether, in the opinion of the President, notwithstanding any such policies or practices—

(i) extraordinary circumstances exist which necessitate a continuation of such sale or licensed transaction, and, if so, a description of such circumstances and the extent to which such sale or licensed transaction should be continued (subject to such conditions as Congress may impose under this section), and

(ii) on all the facts it is in the national interest of the United States to continue such sale or licensed transaction; and

(D) such other information as such committee may request.

(2) In the event a statement with respect to a sale or licensed transaction is requested pursuant to paragraph (1) of this subsection but is not transmitted in accordance therewith within 60 days after receipt of such request, such sale or licensed transaction shall be suspended unless and until such statement is transmitted.

(3)(A) In the event a statement with respect to a sale or licensed transaction is transmitted under paragraph (1) of this subsection, the Congress may at any time thereafter adopt a joint resolution terminating or restricting such sale or licensed transaction.

(B) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) The term "certification", as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under paragraph (1) of this subsection.

(Pub. L. 90–629, ch. 1, § 5, as added Pub. L. 94–329, title III, § 302(b), June 30, 1976, 90 Stat. 752.)

REFERENCES IN TEXT

Section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (d)(3)(B), (C), is section 601(b) of Pub. L. 94–329, June 30, 1976, 90 Stat. 729, which made provision for expedited procedures in the Senate, and was not classified to the Code.

SUBCHAPTER II—FOREIGN MILITARY SALES AUTHORIZATIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2417 of this title.

§ 2761. Sales from stocks

(a) Eligible countries or international organizations; basis of payment

The President may sell defense articles and defense services from the stocks of the Department of Defense to any eligible country or international organization if such country or international organization agrees to pay in United States dollars—

(1) in the case of a defense article not intended to be replaced at the time such agreement is entered into, not less than the actual value thereof;

(2) in the case of a defense article intended to be replaced at the time such agreement is entered into, the estimated cost of replacement of such article, including the contract or production costs less any depreciation in the value of such article; or

(3) in the case of the sale of a defense service, the full cost to the United States Government of furnishing such service.

(b) Time of payment

Except as provided by subsection (d) of this section, payment shall be made in advance or, if the President determines it to be in the national interest, upon delivery of the defense article or rendering of the defense service.

(c) Personnel performing defense services sold as prohibited from performing combat activities

Personnel performing defense services sold under this chapter may not perform any duties of a combatant nature, including any duties related to training, advising, or otherwise providing assistance regarding combat activities, outside the United States in connection with the performance of those defense services.

(d) Billings; interest after due date, rates of interest and extension of due date

If the President determines it to be in the national interest pursuant to subsection (b) of this section, billings for sales made under letters of offer issued under this section after June 30, 1976, may be dated and issued upon delivery of the defense article or rendering of the defense service and shall be due and payable upon receipt thereof by the purchasing country or international organization. Interest shall be charged on any net amount due and payable which is not paid within sixty days after the date of such billing. The rate of interest charged shall be a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding short-term obligations of the United States as of the last day of the month preceding the billing and shall be computed from the date of billing. The President may extend such sixty-day period to one hundred and twenty days if he determines that emergency requirements of the purchaser for acquisition of such defense articles or defense services exceed the ready availability to the purchaser of funds sufficient to pay the United

States in full for them within such sixty-day period and submits that determination to the Congress together with a special emergency request for the authorization and appropriation of additional funds to finance such purchases under this chapter.

(e) Charges; reduction or waiver

(1) After September 30, 1976, letters of offer for the sale of defense articles or for the sale of defense services that are issued pursuant to this section or pursuant to section 2762 of this title shall include appropriate charges for—

(A) administrative services, calculated on an average percentage basis to recover the full estimated costs of administration of sales made under this chapter to all purchasers of such articles and services;

(B) any use of plant and production equipment in connection with such defense articles; and

(C) a proportionate amount of any nonrecurring costs of research, development, and production of major defense equipment.

(2) The President may reduce or waive the charge or charges which would otherwise be considered appropriate under paragraphs (1)(B) and (1)(C) for particular sales that would, if made, significantly advance United States Government interests in North Atlantic Treaty Organization standardization, or foreign procurement in the United States under coproduction arrangements.

(f) Public inspection of contracts

Any contracts entered into between the United States and a foreign country under the authority of this section or section 2762 of this title shall be prepared in a manner which will permit them to be made available for public inspection to the fullest extent possible consistent with the national security of the United States.

(g) North Atlantic Treaty Organization standardization agreements; reimbursement for costs; transmittal to Congress

In carrying out section 814 of the Act of October 7, 1975 (Public Law 94-106), the President may enter into North Atlantic Treaty Organization standardization agreements for the cooperative furnishing of training on a bilateral or multilateral basis, if the financial principles of such agreements are based on reciprocity. Such agreements shall include reimbursement for all direct costs but may exclude reimbursement for indirect costs, administrative surcharges, and costs of billeting of trainees (except to the extent that members of the United States Armed Forces occupying comparable accommodations are charged for such accommodations by the United States). Each such agreement shall be transmitted promptly to the Speaker of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate.

(h) Sales affecting combat readiness of Armed Forces; statement to Congress; limitation on delivery

(1) Sales of defense articles and defense services which could have significant adverse effect on the combat readiness of the Armed Forces of the United States shall be kept to an absolute minimum. The President shall transmit to the Speaker of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate on the same day a written statement giving a complete explanation with respect to any proposal to sell, under this section, any defense articles or defense services if such sale could have a significant adverse effect on the combat readiness of the Armed Forces of the United States. Each such statement shall be unclassified except to the extent that public disclosure of any item of information contained therein would be clearly detrimental to the security of the United States. Any necessarily classified information shall be confined to a supplemental report. Each such statement shall include an explanation relating to only one such proposal to sell and shall set forth—

(A) the country or international organization to which the sale is proposed to be made;

(B) the amount of the proposed sale;

(C) a description of the defense article or service proposed to be sold;

(D) a full description of the impact which the proposed sale will have on the Armed Forces of the United States; and

(E) a justification for such proposed sale, including a certification that such sale is important to the security of the United States.

A certification described in subparagraph (E) shall take effect on the date on which such certification is transmitted and shall remain in effect for not to exceed one year.

(2) No delivery may be made under any sale which is required to be reported under paragraph (1) of this subsection unless the certification required to be transmitted by paragraph (E) of paragraph (1) is in effect.

(Pub. L. 90-629, ch. 2, § 21, Oct. 22, 1968, 82 Stat. 1323; Pub. L. 94-329, title II, §§ 205, 206, June 30, 1976, 90 Stat. 736, 738.)

REFERENCES IN TEXT

Section 814 of the act of Oct. 7, 1975 (Public Law 94-106), referred to in subsec. (g), was not classified to the Code.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-329, § 205, designated existing provisions as subsec. (a), and as so designated, substituted provisions authorizing President to sell defense articles and defense services from Department of Defense stocks to eligible countries and international organizations who agree to pay specified values for such articles and services in United States dollars, for provisions requiring that payment for defense articles and defense services from stocks be made in advance, or if in the best interest of the United States as determined by the President, within a reasonable period not to exceed 120 days after delivery of the articles or rendering of the services.

Subsecs. (b) to (h). Pub. L. 94-329, §§ 205, 206, added subsecs. (b) to (h).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2751, 2775, 2776, 2777, 2791, 2792 of this title.

§ 2762. Procurement for cash sales; dependable undertaking by foreign country or international organization; interest rates; issuance of letters of offer under emergency determination; availability of appropriations for payment

(a) Except as otherwise provided in this section, the President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of defense articles or defense services for sale for United States dollars to any foreign country or international organization if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, and (2) to make funds available in such amounts and at such times as may be required to meet the payments required by the contract, and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due. Interest shall be charged on any net amount by which any such country or international organization is in arrears under all of its outstanding unliquidated dependable undertakings, considered collectively. The rate of interest charged shall be a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding short-term obligations of the United States as of the last day of the month preceding the net arrearage and shall be computed from the date of net arrearage.

(b) The President may, if he determines it to be in the national interest, issue letters of offer under this section which provide for billing upon delivery of the defense article or rendering of the defense service and for payment within one hundred and twenty days after the date of billing. This authority may be exercised, however, only if the President also determines that the emergency requirements of the purchaser for acquisition of such defense articles and services exceed the ready availability to the purchaser of funds sufficient to make payments on a dependable undertaking basis and submits both determinations to the Congress together with a special emergency request for authorization and appropriation of additional funds to finance such purchases under this chapter. Appropriations available to the Department of Defense may be used to meet the payments required by the contracts for the procurement of defense articles and defense services and shall be reimbursed by the amounts subsequently received from the country or international organization to whom articles or services are sold.

(Pub. L. 90-629, ch. 2, § 22, Oct. 22, 1968, 82 Stat. 1323; Pub. L. 93-189, § 25(3), Dec. 17, 1973, 87 Stat. 730; Pub. L. 94-329, title II, § 207, June 30, 1976, 90 Stat. 738.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-329, § 207(a), added provisions requiring interest to be charged on any net amount a country or international organization is in arrears and the rate of interest to be determined by the Secretary of Treasury considering current average market yield of short-term obligations of United States on a particular day.

Subsec. (b). Pub. L. 94-329, § 207(b), substituted provisions authorizing President to issue letters of offer with provisions for billing on delivery of article or rendering of service and payment within 120 days after billing date where President determines that emergency conditions exist, for provisions authorizing President to accept a dependable undertaking of a foreign country or international organization with respect to sales of defense articles and services and to make payment within 120 days of delivery of article or rendering of service.

1973—Pub. L. 93-189 designated material preceding first proviso as subsec. (a), as so designated, added "Except as otherwise provided in this section," preceding "the President", designated first proviso as subsec. (b), and, as so designated, added reference to acceptance of a dependable undertaking of a foreign country or international organization, and struck out further provisions setting forth Presidential powers with respect to sales agreements with and payments by purchasing countries or international organizations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2751, 2775, 2776, 2777, 2779, 2791, 2792 of this title.

§ 2763. Credit sales

The President is authorized to finance procurements of defense articles and defense services by friendly foreign countries and international organizations on terms requiring the payment to the United States Government in United States dollars of—

(1) the value of such articles or services within a period not to exceed twelve years after the delivery of such articles or the rendering of such services; and

(2) interest on the unpaid balance of that obligation for payment of the value of such articles or services, at a rate equivalent to the current average interest rate, as of the last day of the month preceding the financing of such procurement, that the United States Government pays on outstanding marketable obligations of comparable maturity, unless the President certifies to Congress that the national interest requires a lesser rate of interest and states in the certification the lesser rate so required and the justification therefor.

(Pub. L. 90-629, ch. 2, § 23, Oct. 22, 1968, 82 Stat. 1324; Pub. L. 93-559, § 45(a)(2), Dec. 30, 1974, 88 Stat. 1813; Pub. L. 94-329, title II, § 208(a), June 30, 1976, 90 Stat. 739.)

AMENDMENTS

1976—Par. (1). Pub. L. 94-329 substituted "twelve years" for "ten years".

1974—Pub. L. 93-559 incorporated existing provisions in cl. (1) and added cl. (2).

EFFECTIVE DATE OF 1976 AMENDMENT

Section 208(b) of Pub. L. 94-329 provided that: "The amendment made by subsection (a) [amending par. (1) of this section] shall apply with respect to financing under agreements entered into on or after the date of enactment of this Act [June 30, 1976] for the procurement of defense articles to be delivered, or defense services to be rendered, after such date."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2751, 2764, 2771, 2773 to 2777, 2791 of this title.

§ 2764. Guaranties

(a) Guaranty against political and credit risks of nonpayment

The President may guarantee any individual, corporation, partnership, or other juridical entity doing business in the United States (excluding United States Government agencies other than the Federal Financing Bank) against political and credit risks of nonpayment arising out of their financing of credit sales of defense articles and defense services to friendly countries and international organizations. Fees shall be charged for such guaranties.

(b) Sale of promissory notes of friendly countries and international organizations; guaranty of payment

The President may sell to any individual, corporation, partnership, or other juridical entity (excluding United States Government agencies other than the Federal Financing Bank) promissory notes issued by friendly countries and international organizations as evidence of their obligations to make repayments to the United States on account of credit sales financed under section 2763 of this title, and may guarantee payment thereof.

(c) Amount of funds obligated for payment of guaranties

Funds made available to carry out this chapter shall be obligated in an amount equal to 10 per centum of the principal amount of contractual liability related to any guaranty issued under this section, and all the funds so obligated shall constitute a single reserve for the payment of claims under such guaranties. Any funds so obligated which are deobligated from time to time during any current fiscal year as being in excess of the amount necessary to maintain a fractional reserve of 10 per centum of the principal amount of contractual liability under outstanding guaranties shall be transferred to the general fund of the Treasury. Any guaranties issued hereunder shall be backed by the full faith and credit of the United States.

(Pub. L. 90-629, ch. 2, § 24, Oct. 22, 1968, 82 Stat. 1324; Pub. L. 93-189, § 25(4), Dec. 17, 1973, 87 Stat. 730; Pub. L. 93-559, § 45(a)(3), (4), Dec. 30, 1974, 88 Stat. 1814.)

AMENDMENTS

1974—Subsecs. (a), (b). Pub. L. 93-559, § 45(a)(3), inserted in parenthetical text the phrase "other than the Federal Financing Bank".

Subsec. (c). Pub. L. 93-559, § 45(a)(4), substituted "10" for "25" in two instances.

1973—Subsec. (c). Pub. L. 93-189 substituted "to carry out this chapter" for "pursuant to section 2771 of this title" and added "principal amount of" preceding "contractual liability" wherever appearing therein.

EFFECTIVE DATE OF 1974 AMENDMENT; ADJUSTMENT OF OBLIGATIONS CHARGED AGAINST APPROPRIATIONS; CREDIT FOR FISCAL YEAR 1975 APPROPRIATIONS

Section 45(b) of Pub. L. 93-559 provided that: "The amendment made by paragraph (4) of subsection (a) [to subsec. (c) of this section] shall take effect on July 1, 1974. Obligations initially charged against appropriations made available for purposes authorized by section 31(a) of the Foreign Military Sales Act [section 2771(a) of this title] after June 30, 1974, and prior to the enactment of this section [Dec. 30, 1974] in an amount equal to 25 per centum of the principal amount of contractual liability related to guaranties issued pursuant to section 24(a) of that Act [subsec. (a) of this section] shall be adjusted to reflect such amendment with proper credit to the appropriations made available in the fiscal year 1975 to carry out that Act [this chapter]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2751, 2771, 2773 to 2777, 2791 of this title.

§ 2765. Annual estimate and justification for sales program

(a) Report to Congress; contents

The President shall transmit to the Congress, as a part of the presentation materials for security assistance programs proposed for each fiscal year, a report which sets forth—

(1) an estimate of the amount of sales expected to be made to each country under sections 2761 and 2762 of this title, including a detailed explanation of the foreign policy and United States national security considerations involved in expected sales to each country;

(2) an estimate of the amount of credits and guaranties expected to be extended to each country under sections 2763 and 2764 of this title;

(3) a list of all findings which are in effect on the date of such transmission made by the President pursuant to section 2753(a)(1) of this title, together with a full and complete justification for each such finding, explaining how sales to each country with respect to which such finding has been made will strengthen the security of the United States and promote world peace; and

(4) an arms control impact statement for each purchasing country, including (A) an analysis of the relationship between expected sales to each country and arms control efforts relating to that country, and (B) the impact of such expected sales on the stability of the region that includes the purchasing country.

(b) Congressional request for additional information on estimates

Not later than thirty days following the receipt of a request made by the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives for additional information with respect to any estimate submitted pursuant to subsection (a) of this section, the President shall submit such information to such committee.

(c) Submission of information in unclassified form or classified addendum with unclassified summary

The President shall make every effort to submit all of the information required by this section wholly in unclassified form. In the event the President submits any such information in classified form, he shall submit such classified information in an addendum and shall also submit simultaneously a detailed summary, in unclassified form, of such classified information.

(Pub. L. 90-629, ch. 2, § 25, as added Pub. L. 94-329, title II, § 209(a), June 30, 1976, 90 Stat. 739.)

SUBCHAPTER III—MILITARY EXPORT CONTROLS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2417 of this title.

§ 2771. Military sales authorizations and ceilings

(a) Authorization for foreign military sales credit and guarantee program

There is hereby authorized to be appropriated to the President to carry out this chapter not to exceed $1,039,000,000 for the fiscal year 1976 and not to exceed $740,000,000 for the fiscal year 1977. Unobligated balances of funds made available pursuant to this section are hereby authorized to be continued available by appropriations legislation to carry out this chapter.

(b) Aggregate ceiling on foreign military sales credits

The aggregate total of credits, or participations in credits, extended pursuant to this chapter and of the principal amount of loans guaranteed pursuant to section 2764(a) of this title shall not exceed $2,374,700,000 for the fiscal year 1976, of which not less than $1,500,000,000 shall be available only for Israel, and shall not exceed $2,022,100,000 for the fiscal year 1977, of which not less than $1,000,000,000 shall be available only for Israel.

(c) Funds to finance procurement of defense articles and defense services by Israel; repayment period; release of Israel from contractual obligation to repay

Funds made available for the fiscal years 1976 and 1977 under subsection (a) of this section shall be obligated to finance the procurement of defense articles and defense services by Israel on a long-term repayment basis either by the extension of credits, without regard to the limitations contained in section 2763 of this title, or by the issuance of guaranties under section 2764 of this title. Repayment shall be in not less than twenty years, following a grace period of ten years on repayment of principal. Israel shall be released from one-half of its contractual liability to repay the United States Government with respect to defense articles and defense services so financed for each such year.

(d) Aggregate acquisition cost ceiling for ordered excess defense articles

The aggregate acquisition cost to the United States of excess defense articles ordered by the President in any fiscal year after fiscal year 1976 for delivery to foreign countries or international organizations under the authority of chapter 2 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2311] or pursuant to sales under this chapter may not exceed $100,000,000 (exclusive of ships and their onboard stores and supplies transferred in accordance with law).

(Pub. L. 90-629, ch. 3, § 31, Oct. 22, 1968, 82 Stat. 1324; Pub. L. 91-672, § 2, Jan. 12, 1971, 84 Stat. 2053; Pub. L. 92-226, pt. IV, § 401(a), (b), Feb. 7, 1972, 86 Stat. 32; Pub. L. 93-189, § 25(5), (6), Dec. 17, 1973, 87 Stat. 730; Pub. L. 93-559, § 45(a)(6), (7), Dec. 30, 1974, 88 Stat. 1815; Pub. L. 94-329, title II, § 210(a)-(c)(1), June 30, 1976, 90 Stat. 740.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (d), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 2 of part II of the Foreign Assistance Act of 1961, is classified generally to part 2 of subchapter II (§ 2311 et seq.) of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-329, § 210(a), substituted provisions authorizing appropriations not to exceed $1,039,000,000 for the fiscal year 1976 and not to exceed $740,000,000 for the fiscal year 1977, for provisions authorizing appropriations not to exceed $405,000,000 for the fiscal year 1975.

Subsec. (b). Pub. L. 94-329, § 210(b), substituted provisions setting out the foreign military sales credit ceiling of $2,374,700,000 for the fiscal year 1976, of which not less than $1,500,000,000 shall be available only for Israel, and $2,022,100,000 for the fiscal year 1977, of which not less than $1,000,000,000 shall be available only for Israel, for provisions setting out such ceiling of $872,500,000 for the fiscal year 1975, of which amount not less than $300,000,000 shall be available to Israel only, and struck out provisions relating to obligation of $100,000,000 for financing procurement of defense articles and services by Israel and for release of Israel from contractual liability to repay United States Government for the defense article and services so financed.

Subsecs. (c), (d). Pub. L. 94-329, § 210(c)(1), added subsecs. (c) and (d).

1974—Subsec. (a). Pub. L. 93-559, § 45(a)(6), substituted "$405,000,000 for the fiscal year 1975" for "$325,000,000 for the fiscal year 1974".

Subsec. (b). Pub. L. 93-559, § 45(a)(7), substituted "$872,500,000 for the fiscal year 1975" for "$730,000,000 for the fiscal year 1974" and provided for obligation of $100,000,000 for financing procurement of defense articles and defense services by Israel and for release of Israel from contractual liability to repay the United States Government for the defense articles and defense services so financed.

1973—Subsec. (a). Pub. L. 93-189, § 25(5), substituted provision authorizing appropriation of not more than $325,000,000 for the fiscal year 1974, for provision authorizing appropriation of not more than $400,000,000 for the fiscal year 1972.

Subsec. (b). Pub. L. 93-189, § 25(6), substituted provisions setting out the foreign military sales credit ceiling of $730,000,000 for the fiscal year 1974, of which amount not less than $300,000,000 shall be made available to Israel, for provisions setting out such ceiling of $550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be made available to Israel, and such amount to exclude credits covered by guaranties issued under section 2764(b) of this title.

1972—Subsec. (a). Pub. L. 92-226, § 401(a), substituted provision authorizing appropriation of not more than $400,000,000 for the fiscal year 1972, for provisions authorizing appropriation of not more than $250,000,000 for each of the fiscal years 1970 and 1971.

Subsec. (b). Pub. L. 92-226, § 401(b), substituted provisions setting out the foreign military sales credit ceiling of $550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be made available to Israel, for provisions setting out such ceiling of $340,000,000 for the fiscal years 1970 and 1971.

1971—Subsec. (a). Pub. L. 91-672, § 2(1), substituted provisions authorizing appropriation of not more than $250,000,000 for each of the fiscal years 1970 and 1971 for provisions authorizing appropriation of not more than $296,000,000 for the fiscal year 1969.

Subsec. (b). Pub. L. 91-672, § 2(2), substituted provisions setting out the foreign military sales credit ceil-

ing of $340,000,000 for the fiscal years 1970 and 1971 for provisions setting out such ceiling of $296,000,000 for the fiscal year 1969.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2442 of this title.

§ 2772. Prohibition against certain military export financing by Export-Import Bank

Notwithstanding any other provision of law, no funds or borrowing authority available to the Export-Import Bank of the United States shall be used by such Bank to participate in any extension of credit in connection with any agreement to sell defense articles and defense services entered into with any economically less developed country after June 30, 1968.

(Pub. L. 90-629, ch. 3, § 32, Oct. 22, 1968, 82 Stat. 1325.)

§ 2773. Regional ceilings on foreign military sales; Presidential waiver; report to Congress

(a) The aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2151 et seq.], of credits, or participations in credits, financed pursuant to section 2763 of this title, of the principal amount of loans guaranteed pursuant to section 2764(a) of this title shall, excluding training, not exceed $40,000,000 in each fiscal year for African countries.

(b) The President may waive the limitations of this section when he determines it to be important to the security of the United States and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Pub. L. 90-629, ch. 3, § 33, Oct. 22, 1968, 82 Stat. 1325; Pub. L. 91-672, § 3, Jan. 12, 1971, 84 Stat. 2053; Pub. L. 92-226, pt. IV, § 401(c), (d), Feb. 7, 1972, 86 Stat. 32; Pub. L. 93-189, § 25(7)-(9), Dec. 17, 1973, 87 Stat. 731; Pub. L. 93-559, § 45(a)(8), Dec. 30, 1974, 88 Stat. 1815.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, as amended, referred to in subsec. (a), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-559, § 45(a)(8)(A), (B), repealed former subsec. (a) provisions prescribing a ceiling of $150,000,000 in each fiscal year on the total amount of military assistance, credits, participations in credits, guaranteed loans, and loans and sales under section 7307 of Title 10, for Latin American countries, and redesignated former subsec. (b) as (a), respectively.

Subsec. (b). Pub. L. 93-559, § 45(a)(8)(B), (C), redesignated former subsec. (b) as (a) and added subsec. (b), respectively.

1973—Subsec. (a). Pub. L. 93-189, § 25(7), struck out reference to cash sales pursuant to sections 2761 and 2762 of this title reference to exclusion of credits covered by guaranties issued under section 2764(b) of this title, and reference to the face amount of contracts of guaranty issued under section 2764(a) and (b) of this title, inserted reference to the principal amount of loans guaranteed under section 2764(a) of this title, and substituted "$150,000,000" for "$100,000,000".

Subsec. (b). Pub. L. 93-189, § 25(8), struck out reference to cash sales pursuant to sections 2761 and 2762 of this title, reference to exclusion of credits covered by guaranties issued under section 2764(b) of this title, and reference to the face amount of contracts of guaranty issued under section 2764(a) and (b) of this title, and inserted reference to the principal amount of loans guaranteed under section 2764(a) of this title.

Subsec. (c). Pub. L. 93-189, § 25(9), struck out subsec. (c) which provided for Presidential waiver of limitations on amounts authorized under this section and set forth geographical limitations on the aggregate amounts of military assistance to be made available and percentage deviations from such ceiling amounts.

1972—Subsec. (a). Pub. L. 92-226, § 401(c), substituted "$100,000,000" for "$75,000,000".

Subsec. (c). Pub. L. 92-226, § 401(d), substituted provisions for waiver of limitations when overriding requirements of the national security of the United States justify waiver for prior provisions for such a waiver when important to the security of the United States, required a written report with reasons for findings and statement in detail of expenditures when in excess of applicable geographical limitations, and prescribed percentage limitation for exceeding aggregate of geographical ceiling limitation.

1971—Subsec. (a). Pub. L. 91-672, § 3(1), made the fiscal year 1969 ceiling of $75,000,000 for Latin American countries a continuing ceiling applicable in each fiscal year.

Subsec. (b). Pub. L. 91-672, § 3(2), made the fiscal year 1969 ceiling of $40,000,000 for African countries a continuing ceiling applicable in each fiscal year.

§ 2774. Foreign military sales credit standards

The President shall establish standards and criteria for credit and guaranty transactions under sections 2763 and 2764 of this title in accordance with the foreign, national security, and financial policies of the United States.

(Pub. L. 90-629, ch. 3, § 34, Oct. 22, 1968, 82 Stat. 1325.)

§ 2775. Foreign military sales to less developed countries

(a) When the President finds that any economically less developed country is diverting development assistance furnished pursuant to the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2151 et seq.], or sales under the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.], to military expenditures, or is diverting its own resources to unnecessary military expenditures, to a degree which materially interferes with its development, such country shall be immediately ineligible for further sales and guarantees under sections 2761, 2762, 2763, and 2764 of this title, until the President is assured that such diversion will no longer take place.

(b) Repealed. Pub. L. 93-559, § 45(a)(5), Dec. 30, 1974, 88 Stat. 1814.

(Pub. L. 90-629, ch. 3, § 35, Oct. 22, 1968, 82 Stat. 1325; Pub. L. 93-559, § 45(a)(5), Dec. 30, 1974, 88 Stat. 1814.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, as amended, referred to in subsec. (a), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsec. (a), is

act July 10, 1954, ch. 469, 68 Stat. 454, which is classified principally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7, and Tables volume.

AMENDMENTS

1974—Subsec. (b). Pub. L. 93-559 repealed subsec. (b) which provided for Presidential reports to Congress respecting sales and guaranties to less developed countries.

§ 2776. Reports and certifications to Congress on military exports

(a) Report by President; contents

The President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate not more than thirty days after the end of each quarter an unclassified report (except that any material which was transmitted in classified form under subsection (b)(1) or (c)(1) of this section may be contained in a classified addendum to such report, and any letter of offer referred to in paragraph (1) of this subsection may be listed in such addendum unless such letter of offer has been the subject of an unclassified certification pursuant to subsection (b)(1) of this section) containing—

(1) a listing of all letters of offer to sell any major defense equipment for $1,000,000 or more under this chapter to each foreign country and international organization, by category, if such letters of offer have not been accepted or canceled;

(2) a listing of all such letters of offer that have been accepted during the fiscal year in which such report is submitted, together with the total value of all defense articles and defense services sold to each foreign country and international organization during such fiscal year;

(3) the cumulative dollar amounts, by foreign country and international organization, of sales credit agreements under section 2763 of this title and guaranty agreements under section 2764 of this title made during the fiscal year in which such report is submitted;

(4) a numbered listing of all licenses and approvals for the export to each foreign country and international organization during such fiscal year of commercially sold major defense equipment, by category, sold for $1,000,000 or more, together with the total value of all defense articles and defense services so licensed for each foreign country and international organization, setting forth with respect to the listed major defense equipment—

(A) the items to be exported under the license,

(B) the quantity and contract price of each such item to be furnished, and

(C) the name and address of the ultimate user of each such item;

(5) projections of the dollar amounts, by foreign country and international organization, of cash sales expected to be made under sections 2761 and 2762 of this title credits to be extended under section 2763 of this title, and guaranty agreements to be made under section 2764 of this title in the quarter of the fiscal year immediately following the quarter for which such report is submitted;

(6) a projection with respect to all cash sales expected to be made and credits expected to be extended to each country and organization for the remainder of the fiscal year in which such report is transmitted;

(7) an estimate of the number of officers and employees of the United States Government and of United States civilian contract personnel present in each such country at the end of that quarter for assignments in implementation of sales and commercial exports under this chapter;

(8) a description of each payment, contribution, gift, commission, or fee reported to the Secretary of State under section 2779 of this title, including (A) the name of the person who made such payment, contribution, gift, commission, or fee; (B) the name of any sales agent or other person to whom such payment, contribution, gift, commission, or fee was paid; (C) the date and amount of such payment, contribution, gift, commission, or fee; (D) a description of the sale in connection with which such payment, contribution, gift, commission, or fee was paid; and (E) the identification of any business information considered confidential by the person submitting it which is included in the report; and

(9) an analysis and description of the services being performed by officers and employees of the United States Government under section 2761(a) of this title, including the number of personnel so employed.

For each letter of offer to sell under paragraphs (1) and (2), the report shall specify (i) the foreign country or international organization to which the defense article or service is offered or was sold, as the case may be; (ii) the dollar amount of the offer to sell or the sale and the number of defense articles offered or sold, as the case may be; (iii) a description of the defense article or service offered or sold, as the case may be; and (iv) the United States Armed Force or other agency of the United States which is making the offer to sell or the sale, as the case may be.

(b) Letter of offer to sell defense articles, services, or major equipment; submission of numbered Presidential certification and additional statement; contents

(1) In the case of any letter of offer to sell any defense articles or services under this chapter for $25,000,000 or more, or any major defense equipment for $7,000,000 or more, before such letter of offer is issued, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a numbered certification with respect to such offer to sell containing the information specified in clauses (i) through (iv) of subsection (a) of this section and a description, containing the information specified in paragraph (8) of subsection (a) of this section, of any contribution, gift, commission, or fee paid or offered or agreed to be paid in order to solicit, promote, or otherwise to secure such letter of offer. In addition, the President shall, upon the request of such committee or the Committee on International

Relations of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request—

(A) a detailed description of the defense articles or services to be offered, including a brief description of the capabilities of any defense article to be offered;

(B) an estimate of the number of officers and employees of the United States Government and of United States civilian contract personnel expected to be needed in such country to carry out the proposed sale;

(C) the name of each contractor expected to provide the defense article or defense service proposed to be sold (if known on the date of transmittal of such statement);

(D) an analysis of the arms control impact pertinent to such offer to sell, prepared in consultation with the Secretary of Defense;

(E) the reasons why the foreign country or international organization to which the sale is proposed to be made needs the defense articles or services which are the subject of such sale and a description of how such country or organization intends to use such defense articles or services;

(F) an analysis by the President of the impact of the proposed sale on the military stocks and the military preparedness of the United States;

(G) the reasons why the proposed sale is in the national interest of the United States;

(H) an analysis by the President of the impact of the proposed sale on the military capabilities of the foreign country or international organization to which such sale would be made;

(I) an analysis by the President of how the proposed sale would affect the relative military strengths of countries in the region to which the defense articles or services which are the subject of such sale would be delivered and whether other countries in the region have comparable kinds and amounts of defense articles or services;

(J) an estimate of the levels of trained personnel and maintenance facilities of the foreign country or international organization to which the sale would be made which are needed and available to utilize effectively the defense articles or services proposed to be sold;

(K) an analysis of the extent to which comparable kinds and amounts of defense articles or services are available from other countries;

(L) an analysis of the impact of the proposed sale on United States relations with the countries in the region to which the defense articles or services which are the subject of such sale would be delivered; and

(M) a detailed description of any agreement proposed to be entered into by the United States for the purchase or acquisition by the United States of defense articles, services, or equipment, or other articles, services, or equipment of the foreign country or international organization in connection with, or as consideration for, such letter of offer, including an analysis of the impact of such proposed agreement upon United States business concerns which might otherwise have provided such articles, services, or equipment to the United States, an estimate of the costs to be incurred by the United States in connection with such agreement compared with costs which would otherwise have been incurred, an estimate of the economic impact and unemployment which would result from entering into such proposed agreement, and an analysis of whether such costs and such domestic economic impact justify entering into such proposed agreement.

A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in clause (ii) and the details of the description specified in clause (iii) of subsection (a) of this section may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States. The letter of offer shall not be issued if the Congress, within thirty calendar days after receiving such certification, adopts a concurrent resolution stating that it objects to the proposed sale, unless the President states in his certification that an emergency exists which requires such sale in the national security interests of the United States.

(2) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(3) For the purpose of expediting the consideration and adoption of concurrent resolutions under this subsection, a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(c) Application for export license; submission of numbered Presidential certification and statement to Congress; contents

In the case of an application by a person (other than with regard to a sale under section 2761 or section 2762 of this title) for a license for the export of any major defense equipment sold under a contract in the amount of $7,000,000 or more or of defense articles or defense services sold under a contract in the amount of $25,000,000 or more, not less than 30 days before issuing such license the President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate an unclassified numbered certification with respect to such application specifying (1) the foreign country or international organization to which such export will be made, (2) the dollar amount of the items to be exported, and (3) a description of the items to be exported. In addition, the President shall, upon the request of such committee or the Committee on International Relations of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request, a description of the capabilities of the items to be exported, an estimate of the total number of United States personnel expected to be needed in the foreign country concerned in connection with the items to be exported and an analysis of the arms control impact pertinent to such application, prepared in consultation with the Secretary of De-

fense. A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in paragraph (2) and the details of the description specified in paragraph (3) may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States.

(d) Commercial technical assistance or manufacturing licensing agreements with non-North Atlantic Treaty Organization member countries; submission of Presidential certification; contents

In the case of an approval under section 2778 of this title of a United States commercial technical assistance or manufacturing licensing agreement for or in a country not a member of the North Atlantic Treaty Organization which involves the manufacture abroad of any item of significant combat equipment on the United States Munitions List, before such approval is given, the President shall submit a certification with respect to such proposed commercial agreement in a manner similar to the certification required under subsection (c) of this section containing comparable information, except that the last sentence of such subsection shall not apply to certifications submitted pursuant to this subsection.

(Pub. L. 90-629, ch. 3, § 36, Oct. 22, 1968, 82 Stat. 1326; Pub. L. 93-189, § 25(10), Dec. 17, 1973, 87 Stat. 731; Pub. L. 93-559, § 45(a)(5), Dec. 30, 1974, 88 Stat. 1814; Pub. L. 94-329, title II, § 211(a), title VI, § 604(a), June 30, 1976, 90 Stat. 740, 766.)

REFERENCES IN TEXT

Section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (b)(2), is section 601(b) of Pub. L. 94-329, June 30, 1976, 90 Stat. 729, which made provision for expedited procedures in the Senate, and was not classified to the Code.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-329, §§ 211(a), 604(a)(1), expanded existing provisions to provide for increased comprehensiveness of the quarterly reports on sales of defense articles or defense services, whether through governmental channels or commercial channels.

Subsec. (b). Pub. L. 94-329, §§ 211(a), 604(a)(2), increased from 20 days to 30 days the period allowed Congress to reject a proposed offer to sell defense articles or defense services and added provisions covering any major defense equipment for $7,000,000 or more, requiring additional information with respect to any letter of offer to sell defense articles or defense services if requested by Congress and requiring that a certification be transmitted pursuant to this subsection in unclassified form unless public disclosure would be detrimental to the United States.

Subsec. (c). Pub. L. 94-329, § 211(a), substituted provisions relating to application by person for license for export of any major defense equipment sold and contracted for $7,000,000 or more or defense articles or defense services for $25,000,000 or more, requiring the President to transmit to Congress an unclassified numbered certification with respect to such application, for provisions construing this section as not modifying in any way section 1934 of this title.

Subsec. (d). Pub. L. 94-329, § 211(a), added subsec. (d).

1974—Subsecs. (a), (b). Pub. L. 93-559 added subsecs. (a) and (b).

1973—Pub. L. 93-189 struck out subsec. (a) which required the Secretary of State to transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate semi-annual reports of all exports of significant defense articles on the United States munitions list to foreign governments, etc., and subsec. (b) which provided for the inclusion in the presentation material submitted to the Congress during consideration of amendments to this chapter or Acts appropriating funds under authority of this chapter annual tables showing the dollar value of cash and credit foreign military sales orders, commitments to order, etc.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 211(b) of Pub. L. 94-329 provided that: "The amendment made by subsection (a) of this section [amending this section] shall apply with respect to letters of offer for which a certification is transmitted pursuant to section 36(b) of the Arms Export Control Act [subsec. (b) of this section] on or after the date of enactment of this Act [June 30, 1976] and to export licenses for which an application is filed under section 38 of such Act [section 2778 of this title] on or after such date."

Section 604(c) of Pub. L. 94-329 provided that: "The amendments made by this section [amending this section and enacting section 2779 of this title] shall take effect sixty days after the date of enactment of this Act [June 30, 1976]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2370 of this title.

§ 2777. Fiscal provisions relating to foreign military sales credits

(a) Cash payments received under sections 2761 and 2762 of this title and advances received under section 2763 of this title shall be available solely for payments to suppliers (including the military departments) and refunds to purchasers and shall not be available for financing credits and guaranties.

(b) Amounts received from foreign governments and international organizations as repayments for credits extended pursuant to section 2763 of this title, amounts received from the disposition of instruments evidencing indebtedness, under section 2764(b) of this title (excluding such portion of the sales proceeds as may be required at the time of disposition to be obligated as a reserve for payment of claims under guaranties issued pursuant to section 2764(b) of this title, which sums are made available for such obligations) and other collections (including fees and interest) shall be transferred to the miscellaneous receipts of the Treasury.

(Pub. L. 90-629, ch. 3, § 37, Oct. 22, 1968, 82 Stat. 1326; Pub. L. 93-189, § 25(11), Dec. 17, 1973, 87 Stat. 731.)

AMENDMENTS

1973—Subsec. (b). Pub. L. 93-189 added provisions relating to indebtedness under section 2764(b) of this title and exclusions of portions of the sales proceeds required at the time of disposition as a reserve for payment of claims under guaranties issued under section 2764(b) of this title.

§ 2778. Control of arms exports and imports

(a) Presidential control of exports and imports of defense articles and services, guidance of policy, etc.; designation of United States Munitions List; issuance of export licenses

(1) In furtherance of world peace and the security and foreign policy of the United States, the President is authorized to control the import and the export of defense articles and

defense services and to provide foreign policy guidance to persons of the United States involved in the export and import of such articles and services. The President is authorized to designate those items which shall be considered as defense articles and defense services for the purposes of this section and to promulgate regulations for the import and export of such articles and services. The items so designated shall constitute the United States Munitions List.

(2) Decisions on issuing export licenses under this section shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account the Director's opinion as to whether the export of an article will contribute to an arms race, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements.

(b) Registration and licensing requirements for manufacturers, exporters, or importers of designated defense articles and defense services

(1) As prescribed in regulations issued under this section, every person (other than an officer or employee of the United States Government acting in an official capacity) who engages in the business of manufacturing, exporting, or importing any defense articles or defense services designated by the President under subsection (a)(1) of this section shall register with the United States Government agency charged with the administration of this section, and shall pay a registration fee which shall be prescribed by such regulations. Such regulations shall prohibit the return to the United States for sale in the United States (other than for the Armed Forces of the United States and its allies or for any State or local law enforcement agency) of any military firearms or ammunition of United States manufacture furnished to foreign governments by the United States under this chapter or any other foreign assistance or sales program of the United States, whether or not enhanced in value or improved in condition in a foreign country. This prohibition shall not extend to similar firearms that have been so substantially transformed as to become, in effect, articles of foreign manufacture.

(2) Except as otherwise specifically provided in regulations issued under subsection (a)(1) of this section, no defense articles or defense services designated by the President under subsection (a)(1) of this section may be exported or imported without a license for such export or import, issued in accordance with this chapter and regulations issued under this chapter, except that no license shall be required for exports or imports made by or for an agency of the United States Government (A) for official use by a department or agency of the United States Government, or (B) for carrying out any foreign assistance or sales program authorized by law and subject to the control of the President by other means.

(3) No license may be issued under this chapter for the export of any major defense equipment sold under a contract in the amount of $25,000,000 or more to any foreign country which is not a member of the North Atlantic Treaty Organization unless such major defense equipment was sold under this chapter.

(c) Criminal violations; punishment

Any person who willfully violates any provision of this section or section 2779 of this title, or any rule or regulation issued under either section, or who willfully, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than $100,000 or imprisoned not more than two years, or both.

(d) Applicability to Canal Zone

This section applies to and within the Canal Zone.

(e) Enforcement powers of President

In carrying out functions under this section with respect to the export of defense articles and defense services, the President is authorized to exercise the same powers concerning violations and enforcement which are conferred upon departments, agencies and officials by sections 6(c), (d), (e), and (f) and 7(a) and (c) of the Export Administration Act of 1969 [50 App. U.S.C. 2405(c), (d), (e), and (f) and 2406(a) and (c)], subject to the same terms and conditions as are applicable to such powers under such Act [50 App. U.S.C. 2401 et seq.]. Nothing in this subsection shall be construed as authorizing the withholding of information from the Congress.

(Pub. L. 90-629, ch. 3, § 38, as added Pub. L. 94-329, title II, § 212(a)(1), June 30, 1976, 90 Stat. 744.)

REFERENCES IN TEXT

Such Act, referred to in subsec. (e), is Pub. L. 91-184, Dec. 30, 1969, 83 Stat. 841, known as the Export Administration Act of 1969, which is classified generally to section 2401 et seq. of Title 50 Appendix, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 2401 of Title 50 Appendix, and Tables volume.

REFERENCE TO SECTION 1934 OF THIS TITLE DEEMED REFERENCE TO THIS SECTION

Section 212(b)(1) of Pub. L. 94-329 provided in part that: "Any reference to such section [section 1934 of this title] shall be deemed to be a reference to section 38 of the Arms Export Control Act [this section] and any reference to licenses issued under section 38 of the Arms Export Control Act [this section] shall be deemed to include a reference to licenses issued under section 414 of the Mutual Security Act of 1954."

ADMINISTRATION OF PROVISIONS

For provisions relating to the administration of the provisions of subsec. (e) of this section, see section 3 of Ex. Ord. No. 11940, Sept. 30, 1976, 41 F.R. 43707, set out as a note under section 2403 of Title 50 Appendix, War and National Defense.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2304, 2751, 2776, 2779, 2791, 2794 of this title; title 26 section 5847.

§ 2779. Fees of military sales agents

(a) Adequate and timely reports to Secretary of State; maintenance of records

In accordance with such regulations as he may prescribe, the Secretary of State shall require adequate and timely reporting on political contributions, gifts, commissions and fees paid,

or offered or agreed to be paid, by any person in connection with—

(1) sales of defense articles or defense services under section 2762 of this title; or

(2) commercial sales of defense articles or defense services licensed or approved under section 2778 of this title;

to or for the armed forces of a foreign country or international organization in order to solicit, promote, or otherwise to secure the conclusion of such sales. Such regulations shall specify the amounts and the kinds of payments, offers, and agreements to be reported, and the form and timing of reports, and shall require reports on the names of sales agents and other persons receiving such payments. The Secretary of State shall by regulation require such recordkeeping as he determines is necessary.

(b) Presidential regulation

The President may, by regulation, prohibit, limit, or prescribe conditions with respect to such contributions, gifts, commissions, and fees as he determines will be in furtherance of the purposes of this chapter.

(c) Allocation to contract; improper influence

No such contribution, gift, commission, or fee may be included, in whole or in part, in the amount paid under any procurement contract entered into under section 2762 of this title, unless the amount thereof is reasonable, allocable to such contract, and not made to a person who has solicited, promoted, or otherwise secured such sale, or has held himself out as being able to do so, through improper influence. For the purposes of this section, "improper influence" means influence, direct or indirect, which induces or attempts to induce consideration or action by any employee or officer of a purchasing foreign government or international organization with respect to such purchase on any basis other than such consideration of merit as are involved in comparable United States procurements.

(d) Availability of records to Congress and Federal agencies

(1) All information reported to the Secretary of State and all records maintained by any person pursuant to regulations prescribed under this section shall be available, upon request, to any standing committee of the Congress or any subcommittee thereof and to any agency of the United States Government authorized by law to have access to the books and records of the person required to submit reports or to maintain records under this section.

(2) Access by an agency of the United States Government to records maintained under this section shall be on the same terms and conditions which govern the access by such agency to the books and records of the person concerned.

(Pub. L. 90-629, ch. 3, § 39, as added Pub. L. 94-329, title VI, § 604(b), June 30, 1976, 90 Stat. 767.)

EFFECTIVE DATE

Section effective 60 days after June 30, 1976, see section 604(c) of Pub. L. 94-329, set out as note under section 2776 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2776, 2778 of this title.

SUBCHAPTER IV—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

§ 2791. General provisions

(a) Considerations in procurement outside United States

In carrying out this chapter, special emphasis shall be placed on procurement in the United States, but, subject to the provisions of subsection (b) of this section, consideration shall also be given to coproduction or licensed production outside the United States of defense articles of United States origin when such production best serves the foreign policy, national security, and economy of the United States. In evaluating any sale proposed to be made pursuant to this chapter, there shall be taken into consideration (1) the extent to which the proposed sale damages or infringes upon licensing arrangements whereby United States entities have granted licenses for the manufacture of the defense articles selected by the purchasing country to entities located in friendly foreign countries, which licenses result in financial returns to the United States, (2) the portion of the defense articles so manufactured which is of United States origin, and (3) in coordination with the Director of the United States Arms Control and Disarmament Agency, the Director's opinion as to the extent to which such sale might contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements.

(b) Information to Congress on credit sales and guaranties

No credit sale shall be extended under section 2763 of this title, and no guarantee shall be issued under section 2764 of this title, in any case involving coproduction or licensed, production outside the United States of any defense article of United States origin unless the Secretary of State shall, in advance of any such transaction, advise the appropriate committees of the Congress and furnish the Speaker of the House of Representatives and the President of the Senate with full information regarding the proposed transaction, including, but not limited to, a description of the particular defense article or articles which would be produced under a license or coproduced outside the United States, the estimated value of such production or coproduction, and the probable impact of the proposed transaction on employment and production within the United States.

(c) Availability of funds for procurement outside United States

Funds made available under this chapter may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which

outweigh the economic or other advantages to the United States of less costly procurement outside the United States.

(d) Responsibility of Secretary of Defense with respect to sales and guaranties

(1) With respect to sales and guaranties under sections 2761, 2762, 2763, and 2764 of this title, the Secretary of Defense shall, under the direction of the President, have primary responsibility for—

(A) the determination of military end-item requirements;

(B) the procurement of military equipment in a manner which permits its integration with service programs;

(C) the supervision of the training of foreign military personnel;

(D) the movement and delivery of military end-items; and

(E) within the Department of Defense, the performance of any other functions with respect to sales and guaranties.

(2) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall, under the direction of the President, be determined by the Secretary of Defense.

(e) Revocation and suspension provisions of contracts for sale and export licenses; appropriations for refunds

(1) Each contract for sale entered into under sections 2761 and 2762 of this title shall provide that such contract may be canceled in whole or in part, or its execution suspended, by the United States at any time under unusual or compelling circumstances if the national interest so requires.

(2)(A) Each export license issued under section 2778 of this title shall provide that such license may be revoked, suspended, or amended by the Secretary of State, without prior notice, whenever the Secretary deems such action to be advisable.

(B) Nothing in this paragraph may be construed as limiting the regulatory authority of the President under this chapter.

(3) There are authorized to be appropriated from time to time such sums as may be necessary (A) to refund moneys received from purchasers under contracts of sale entered into under sections 2761 and 2762 of this title that are canceled or suspended under this subsection to the extent such moneys have previously been disbursed to private contractors and United States Government agencies for work in progress, and (B) to pay such damages and costs that accrue from the corresponding cancellation or suspension of the existing procurement contracts or United States Government agency work orders involved.

(f) Use of civilian contract personnel in foreign countries

The President shall, to the maximum extent possible and consistent with the purposes of this chapter, use civilian contract personnel in any foreign country to perform defense services sold under this chapter.

(Pub. L. 90-629, ch. 4, § 42, Oct. 22, 1968, 82 Stat. 1326; Pub. L. 92-226, pt. IV, § 401(e), (f), Feb. 7, 1972, 86 Stat. 33; Pub. L. 94-141, title I, § 150(b), Nov. 29, 1975, 89 Stat. 760; Pub. L. 94-329, title II, § 213, title VI, § 605(b), June 30, 1976, 90 Stat. 745, 768.)

Amendments

1976—Subsec. (e). Pub. L. 94-329, § 213, added subsec. (e).

Subsec. (f). Pub. L. 94-329, § 605(b), added subsec. (f).

1975—Subsec. (a). Pub. L. 94-141 in cl. (3) added provision relating to coordination with the Director of the United States Arms Control and Disarmament Agency.

1972—Subsec. (a). Pub. L. 92-226, § 401(e), (f)(1), added item (3) and inserted ", subject to the provisions of subsection (b) of this section," preceding "consideration shall also be given", respectively.

Subsec. (b). Pub. L. 92-226, § 401(f)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsecs. (c), (d). Pub. L. 92-226, § 401(f)(2), redesignated former subsecs. (b) and (c) as (c) and (d).

§ 2792. Administrative expenses

(a) Funds made available under other law for the operations of United States Government agencies carrying out functions under this chapter shall be available for the administrative expenses incurred by such agencies under this chapter.

(b) Administrative expenses incurred by any department or agency of the United States Government (including any mission or group) in carrying out functions under this chapter which are primarily for the benefit of any foreign country shall be fully reimbursed from amounts received for sales under sections 2761 and 2762 of this title.

(Pub. L. 90-629, ch. 4, § 43, Oct. 22, 1968, 82 Stat. 1327; Pub. L. 94-329, title II, § 214, June 30, 1976, 90 Stat. 746.)

Amendments

1976—Pub. L. 94-329 designated existing provisions as subsec. (a) and added subsec. (b).

§ 2793. Other provisions unaffected

No provision of this chapter shall be construed as modifying in any way the provisions of the Atomic Energy Act of 1954, as amended [42 U.S.C. 2011 et seq.], or section 7307 of title 10.

(Pub. L. 90-629, ch. 4, § 44, Oct. 22, 1968, 82 Stat. 1327.)

References in Text

The Atomic Energy Act of 1954, as amended, referred to in text, is act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 921, as amended, which is classified principally to chapter 23 (§ 2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables volume.

Specific Application of Other Provisions to this Chapter

Except for laws specified in this section, other provisions inapplicable to this chapter without a specific reference thereto or to sales of defense articles and defense services under any Act, see section 45(c) of Pub. L. 90-629, set out as a note under section 2751 of this title.

§ 2794. Definitions

For purposes of this chapter, the term—

(1) "excess defense article" has the meaning provided by section 2403(g) of this title;

(2) "value" means, in the case of an excess defense article, not less than the greater of—

(A) the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying such article, plus the scrap value; or

(B) the market value, if ascertainable;

(3) "defense article", except as provided in paragraph (7) of this section, includes—

(A) any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war,

(B) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of making military sales,

(C) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in this paragraph, and

(D) any component or part of any article listed in this paragraph,

but does not include merchant vessels or (as defined by the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.] source material, byproduct material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data;

(4) "defense service", except as provided in paragraph (7) of this section, includes any service, test, inspection, repair, training, publication, technical or other assistance, or defense information (as defined in section 2403 of this title), used for the purposes of making military sales;

(5) "training" includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, or contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice to foreign military units and forces;

(6) "major defense equipment" means any item of significant combat equipment on the United States Munitions List having a nonrecurring research and development cost of more than $50,000,000 or a total production cost of more than $200,000,000; and

(7) "defense articles and defense services" means, with respect to commercial exports subject to the provisions of section 2778 of this title, those items designated by the President pursuant to subsection (a)(1) of such section.

(Pub. L. 90-629, ch. 4, § 47, as added Pub. L. 93-189, § 25(12), Dec. 17, 1973, 87 Stat. 731, and amended Pub. L. 94-329, title II, § 215, June 30, 1976, 90 Stat. 746.)

REFERENCES IN TEXT

The Atomic Energy Act of 1954, as amended, referred to in par. (3), is act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 921, as amended, which is classified principally to chapter 23 (§ 2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables volume.

AMENDMENTS

1976—Pars. (3) to (7). Pub. L. 94-329 added pars. (3) to (7).

CHAPTER 40—INTERNATIONAL EXPOSITIONS

Sec.
2801. Congressional findings.
2802. Federal recognition.
(a) Eligibility requirements.
(b) Recognition and registration procedure; compliance with international convention; participation by states and foreign governments.
(c) Report to Congress.
2803. Congressional authorization for federal participation; proposals.
2804. Establishment of standards and criteria; publication in the Federal Register.
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§ 2801. Congressional findings

The Congress finds that—

(a) international expositions, when properly organized, financed, and executed, have a significant impact on the economic growth of the region surrounding the exposition and, under appropriate international sanction, are important instruments of national policy, particularly in the exchange of ideas and the demonstration of cultural achievements between peoples;

(b) in view of the widely varying circumstances under which international expositions have developed in the United States, the different degrees to which the Federal Government has assisted and participated in such expositions, and the increasing number of proposals for future expositions, the national interest requires that Federal action concerning such expositions be given orderly consideration; and

(c) such orderly consideration is best achieved by the development of uniform standards, criteria, and procedures to establish the conditions under which the Government hereafter will (A) recognize international expositions proposed to be held in the United States, and (B) take part in such expositions.

(Pub. L. 91-269, § 1, May 27, 1970, 84 Stat. 271.)

§ 2802. Federal recognition

(a) Eligibility requirements

Any international exposition proposed to be held in the United States shall be eligible on application from its sponsors to receive the recognition of the Federal Government upon a finding of the President that recognition will be in the national interest. In making such a finding the President shall consider—

(1) a report by the Secretary of Commerce which shall include (A) an evaluation of purposes and reasons for the exposition, and (B) a determination that guaranteed financial and other support has been secured by the exposition from affected State and local governments and from business and civic leadership of the region and others in amounts suf-

ficient in his judgment to assure the successful development and progress of the exposition;

(2) a report by the Secretary of State that the proposed exposition qualifies for consideration of registration by the Bureau of International Expositions (hereafter referred to as BIE); and

(3) such other evidence as the President may consider to be appropriate.

(b) Recognition and registration procedure; compliance with international convention; participation by states and foreign governments

Upon a finding by the President that an international exposition is eligible for Federal recognition, the President may take such measures recognizing the exposition as he deems proper, including, but not limited to—

(1) presenting of an official request by the United States for registration of the exposition by the BIE;

(2) providing for fulfillment of the requirements of the Convention of November 22, 1928, as amended, relating to international expositions; and

(3) extending invitations, by proclamation or by such other manner he deems proper, to the several States of the Union and to foreign governments to take part in the exposition, provided that he shall not extend such an invitation until he has been notified officially of BIE registration for the exposition.

(c) Report to Congress

The President shall report his actions under this section promptly to the Congress.

(Pub. L. 91-269, § 2, May 27, 1970, 84 Stat. 271.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2803, 2804 of this title.

§ 2803. Congressional authorization for federal participation; proposals

The Federal Government may participate in an international exposition proposed to be held in the United States only upon the authorization of the Congress. If the President finds that Federal participation is in the national interest, he shall transmit to the Congress his proposal for such participation, which proposal shall include—

(a) evidence that the international exposition has met the criteria for Federal recognition and, pursuant to section 2802 of this title, it has been so recognized;

(b) a statement that the international exposition has been registered by the BIE; and

(c) a plan prepared by the Secretary of Commerce in cooperation with other interested departments and agencies of the Federal Government for Federal participation in the exposition. In developing such a plan, the Secretary shall give due consideration to whether or not the plan should include the construction of a Federal pavilion and, if so, whether or not the Government would have need for a permanent structure in the area of the exposition. In the event such need is established, the Secretary may include in his plan a recommendation that, as a condition of participation, the Government should be deeded a satisfactory site for the Federal pavilion, in fee simple and free of liens or other encumbrances. The Secretary shall seek the advice of the Administrator of the General Services Administration to the extent necessary in carrying out the provisions of this subsection.

(Pub. L. 91-269, § 3, May 27, 1970, 84 Stat. 272.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2804 of this title.

§ 2804. Establishment of standards and criteria; publication in the Federal Register

(a) The Secretary of Commerce is hereby authorized and directed to establish and maintain standards, definitions, and criteria which are adequate to carry out the purposes of section 2802(a)(1) and section 2803(a) of this title; and

(b) Standards, definitions, and criteria established by the Secretary and such revisions in them as he may make from time to time shall be published in the Federal Register.

(Pub. L. 91-269, § 4, May 27, 1970, 84 Stat. 272.)

§ 2805. Withdrawal of federal recognition or participation

The President may withdraw Federal recognition or participation whenever he finds that continuing recognition or participation would be inconsistent with the national interest and with the purposes of this chapter.

(Pub. L. 91-269, § 5, May 27, 1970, 84 Stat. 272.)

§ 2806. Other provisions unaffected

Nothing in this chapter shall affect or limit the authority of Federal departments and agencies to participate in international expositions or events otherwise authorized by law.

(Pub. L. 91-269, § 6, May 27, 1970, 84 Stat. 272.)

§ 2807. Authorization of appropriations

There are authorized to be appropriated such sums, not to exceed $200,000 in any fiscal year, as may be necessary to carry out the purposes of this chapter.

(Pub. L. 91-269, § 8, May 27, 1970, 84 Stat. 272.)

CHAPTER 41—STUDY COMMISSION RELATING TO FOREIGN POLICY

§§ 2821 to 2826. Omitted

CODIFICATION

Section 2821, Pub. L. 92-352, title VI, § 601, July 13, 1972, 86 Stat. 497, which declared that it was the purpose of this chapter to establish a commission to make studies and recommendations directed at providing a more effective system for formulation and implementation of foreign policy, was omitted from the Code as executed on authority of section 2823(b) of this title, which provided that the commission cease to exist on the thirtieth day after the date on which the comprehensive report required by section 2823(b) of this title was filed, which report was to be filed not later than June 30, 1975.

Section 2822, Pub. L. 92-352, title VI, § 602, July 13, 1972, 86 Stat. 497, which established the commission, known as the Commission on the Organization of the Government for the Conduct of Foreign Policy, was

omitted from the Code as executed. See note under section 2821 of this title.

Section 2823, Pub. L. 92-352, title VI, § 603, July 13, 1972, 86 Stat. 497; Pub. L. 93-126, § 4, Oct. 18, 1973, 87 Stat. 452, which related to the duties of the commission, required a comprehensive report be submitted to the President and to Congress not later than June 30, 1975, and provided that the commission cease to exist on the thirtieth day after the report was filed, was omitted from the Code as executed. See note under section 2821 of this title.

Section 2824, Pub. L. 92-352, title VI, § 604, July 13, 1972, 86 Stat. 498, which related to the powers of the commission, was omitted from the Code as executed. See note under section 2821 of this title.

Section 2825, Pub. L. 92-352, title VI, § 605, July 13, 1972, 86 Stat. 498, which related to appointment and compensation of personnel and the services of experts and consultants, was omitted from the Code as executed. See note under section 2821 of this title.

Section 2826, Pub. L. 92-352, title VI, § 606, July 13, 1972, 86 Stat. 499, which authorized sums as necessary to carry out the provisions of this chapter, was omitted from the Code as executed. See note under section 2821 of this title.

CHAPTER 42—INTERNATIONAL ECONOMIC POLICY

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(b) Staff personnel; appointment and compensation; executive level IV and V positions.
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(d) Detail of Federal agency personnel to Council; reimbursable basis.
2847a. Executive Director of Council; appointment.
2848. Expiration date.
2849. Authorization of appropriations.

§ 2841. Congressional statement of purposes

It is the purpose of this chapter to provide for closer Federal interagency coordination in the development of a more rational and orderly international economic policy for the United States.

(Pub. L. 92-412, title II, § 202, Aug. 29, 1972, 86 Stat. 646.)

Short Title

Section 201 of Pub. L. 92-412 provided that: "This title [enacting this chapter] may be cited as the 'International Economic Policy Act of 1972'."

Executive Order No. 11789

Ex. Ord. No. 11789, June 25, 1974, 39 F.R. 23183, as amended by Ex. Ord. No. 11808, Sept. 30, 1974, 39 F.R. 35563, formerly set out as a note under this section, which established the President's Committee on East-West Trade Policy, was revoked by Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, set out as a note under section 2111 of Title 19, Customs Duties.

Executive Order No. 11808

Ex. Ord. No. 11808, Sept. 30, 1974, 39 F.R. 35563, as amended by Ex. Ord. No. 11865, June 16, 1975, 40 F.R. 25663, Ex. Ord. No. 11903, Feb. 2, 1976, 41 F.R. 4879, formerly set out as a note under this section, which established the President's Economic Policy Board, was revoked by Ex. Ord. No. 11975, Mar. 7, 1977, 42 F.R. 13267, set out as a note below.

Ex. Ord. No. 11858. Foreign Investment in the United States

Ex. Ord. No. 11858, May 7, 1975, 40 F.R. 20263, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Act of February 14, 1903, as amended (15 U.S.C. 1501 et seq.), section 10 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 822a), and section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

Section 1. (a) There is hereby established the Committee on Foreign Investment in the United States (hereinafter referred to as the Committee). The Committee shall be composed of a representative, whose status is not below that of an Assistant Secretary, designated by each of the following:

(1) The Secretary of State.
(2) The Secretary of the Treasury.
(3) The Secretary of Defense.
(4) The Secretary of Commerce.
(5) The Assistant to the President for Economic Affairs.
(6) The Executive Director of the Council on International Economic Policy.

The representative of the Secretary of the Treasury shall be the chairman of the Committee. The chairman, as he deems appropriate, may invite representatives of other departments and agencies to participate from time to time in activities of the Committee.

(b) The Committee shall have primary continuing responsibility within the Executive Branch for monitoring the impact of foreign investment in the United States, both direct and portfolio, and for coordinating the implementation of United States policy on such investment. In fulfillment of this responsibility, the Committee shall:

(1) arrange for the preparation of analyses of trends and significant developments in foreign investments in the United States;

(2) provide guidance on arrangements with foreign governments for advance consultations on prospective major foreign governmental investments in the United States;

(3) review investments in the United States which, in the judgment of the Committee, might have major implications for United States national interests; and

(4) consider proposals for new legislation or regulations relating to foreign investment as may appear necessary.

(c) As the need arises, the Committee shall submit recommendations and analyses to the National Security Council and to the Economic Policy Board. It shall also arrange for the preparation and publication of periodic reports.

Sec. 2. The Secretary of Commerce, with respect to the collection and use of data on foreign investment in the United States, shall provide, in particular, for the performance of the following activities:

(a) The obtainment, consolidation, and analysis of information on foreign investment in the United States;

(b) the improvement of procedures for the collection and dissemination of information on such foreign investment;

(c) the close observation of foreign investment in the United States;

(d) the preparation of reports and analyses of trends and of significant developments in appropriate categories of such investment;

(e) the compilation of data and preparation of evaluations of significant investment transactions; and

(f) the submission to the Committee of appropriate reports, analyses, data and recommendations relating to foreign investment in the United States, including recommendations as to how information on foreign investment can be kept current.

SEC. 3. The Secretary of the Treasury is authorized, without further approval of the President, to make reasonable use of the resources of the Exchange Stabilization Fund, in accordance with section 10 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 822a), to pay any of the expenses directly incurred by the Secretary of Commerce in the performance of the functions and activities provided by this order. This authority shall be in effect for one year, unless revoked prior thereto.

SEC. 4. All departments and agencies are directed to provide, to the extent permitted by law, such information and assistance as may be requested by the Committee or the Secretary of Commerce in carrying out their functions and activities under this order.

SEC. 5. Information which has been submitted or received in confidence shall not be publicly disclosed, except to the extent required by law; and such information shall be used by the Committee only for the purpose of carrying out the functions and activities prescribed by this order.

SEC. 6. Nothing in this order shall affect the data-gathering, regulatory, or enforcement authority of any existing department or agency over foreign investment, and the review of individual investments provided by this order shall not in any way supersede or prejudice any other process provided by law.

GERALD R. FORD.

EX. ORD. NO. 11975. ABOLITION OF PRESIDENT'S ECONOMIC POLICY BOARD

Ex. Ord. No. 11975, Mar. 7, 1977, 42 F.R. 13267, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the International Economic Policy Act of 1972, as amended (22 U.S.C. 2841 *et seq.*) [this chapter], and the Council on Wage and Price Stability Act (88 Stat. 750, 12 U.S.C. 1904 note), and as President of the United States of America, in order to permit a new designation of the Chairman of the Council on Wage and Price Stability and to abolish the Economic Policy Board, it is hereby ordered as follows:

SECTION 1. Executive Order No. 11808, as amended, is hereby revoked.

SEC. 2. The Secretary of the Treasury shall continue as Chairman of the Council on International Economic Policy (22 U.S.C. 2844 and 2848).

JIMMY CARTER.

§ 2842. Congressional findings and policy; Council on International Economic Policy: establishment, functions

The Congress finds that there are many activities undertaken by various departments, agencies, and instrumentalities of the Federal Government which, in the aggregate, constitute the domestic and international economic policy of the United States. The Congress further finds that the objectives of the United States with respect to a sound and purposeful international economic policy can be better accomplished through the closer coordination of (1) domestic and foreign economic activity, and (2) in particular, that economic behavior which, taken together, constitutes United States international economic policy. Therefore this Act establishes a Council on International Economic Policy which will provide for—

(A) a clear top level focus for the full range of international economic issues; deal with international economic policies including trade, investment, balance of payments, and finance as a coherent whole;

(B) consistency between domestic and foreign economic policy; and

(C) close coordination with basic foreign policy objectives.

The Congress intends that the Council shall be provided with the opportunity to (i) investigate problems with respect to the coordination, implementation, and long-range development of international economic policy, and (ii) make appropriate findings and recommendations for the purpose of assisting in the development of a rational and orderly international economic policy for the United States.

(Pub. L. 92-412, title II, § 203, Aug. 29, 1972, 86 Stat. 646.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92-412, Aug. 29, 1972, 86 Stat. 644. Title I of the Act, known as the Equal Export Opportunity Act, amended sections 2401 to 2404, and 2413 of Title 50 Appendix, War and National Defense, and enacted provisions set out as notes under sections 2401, 2403, and 2406 of Title 50 Appendix. Title II of the Act, known as the International Economic Policy Act of 1972, enacted this chapter. For complete classification of this Act to the Code, see Short Title notes set out under section 2401 of Title 50 Appendix, and section 2841 of this title and Tables volume.

§ 2843. Creation of Council on International Economic Policy

There is created in the Executive Office of the President a Council on International Economic Policy (hereinafter referred to in this chapter as the "Council").

(Pub. L. 92-412, title II, § 204, Aug. 29, 1972, 86 Stat. 647.)

§ 2844. Membership of Council; Chairman; presiding officer

The Council shall be composed of the following members and such additional members as the President may designate:

(1) The Secretary of State.
(2) The Secretary of the Treasury.
(3) The Secretary of Defense.
(4) The Secretary of Agriculture.
(5) The Secretary of Commerce.
(6) The Secretary of Labor.
(7) The Secretary of Transportation.
(8) The Director of the Office of Management and Budget.
(9) The Chairman of the Council of Economic Advisers.
(10) The Special Representative for Trade Negotiations.

The President shall designate the Chairman of the Council from among the members of the Council.

(Pub. L. 92-412, title II, § 205, Aug. 29, 1972, 86 Stat. 647; Pub. L. 93-121, § 1, Oct. 4, 1973, 87 Stat. 447.)

AMENDMENTS

1973—Pub. L. 93-121 struck out cl. "(1) The President", redesignated former cls. (2) to (7) as (1) to (6), added cl. "(7) The Secretary of Transportation.", and

substituted sentence reading "The President shall designate the Chairman of the Council from among the members of the Council." for "The President shall be the Chairman of the Council and shall preside over the meetings of the Council; in his absence he may designate a member of the Council to preside in his place."

§ 2845. Duties of Council

Subject to the direction of the President, and in addition to performing such other functions as he may direct, the Council shall—

(1) Assist and advise the President in the preparation of the International Economic Report required under section 2846 of this title.

(2) Review the activities and the policies of the United States Government which indirectly or directly relate to international economics and, for the purpose of making recommendations to the President in connection therewith, consider with some degree of specificity the substance and scope of the international economic policy of the United States, which consideration shall include examination of the economic activities of (A) the various agencies, departments, and instrumentalities of the Federal Government, (B) the several States, and (C) private industry.

(3) Collect, analyze, and evaluate authoritative information, current and prospective, concerning international economic matters. Such evaluations shall include but not be limited to the impact of international trade on the level, stability, and financial rewards for domestic labor and the impact of the transnational corporation on international trade flows.

(4) Consider policies and programs for coordinating the activities of all the departments and agencies of the United States with one another for the purpose of accomplishing a more consistent international economic policy, and make recommendations to the President in connection therewith.

(5) Continually assess the progress and effectiveness of Federal efforts to carry out a consistent international economic policy.

(6) Make recommendations to the President for domestic and foreign programs which will promote a more consistent international economic policy on the part of the United States and private industry. Recommendations under this paragraph shall include, but shall not be limited to, policy proposals relating to monetary mechanisms, foreign investment, trade, the balance of payments, foreign aid, taxes, international tourism and aviation, and international treaties and agreements relating to all such matters. In addition to other appropriate objectives, such policy proposals should be developed with a view toward—

(A) strengthening the United States-competitive position in world trade;

(B) achieving equilibrium in international payment accounts of the United States;

(C) increasing exports of goods and services;

(D) protecting and improving the earnings of foreign investments consonant with the concepts of tax equity and the need for domestic investment;

(E) achieving freedom of movement of people, goods, capital, information, and technology on a reciprocal and worldwide basis;

(F) increasing the real employment and income of workers and consumers on the basis of international economic activity; and

(G) preserving the diversified industrial base of the United States.

(Pub. L. 92-412, title II, § 206, Aug. 29, 1972, 86 Stat. 647.)

§ 2846. International Economic Report

(a) Submittal to Congress; scope of report

The President shall transmit to the Congress an annual report on the international economic position of the United States. Such report (hereinafter referred to as the "International Economic Report") shall be submitted not later than sixty days after the beginning of each regular session of the Congress, and shall include—

(1) information and statistics describing characteristics of international economic activity and identifying significant current and foreseeable trends and developments;

(2) a review of the international economic program of the Federal Government and a review of domestic and foreign economic conditions and other significant matters affecting the balance of international payments of the United States and of their effect on the international trade, investment, financial, and monetary position of the United States;

(3) a review of the impact of international voluntary standards, the foreign investments of United States based transnational firms, and the level of foreign wage rates on the level, stability, and financial reward for domestic employment;

(4) a comparative description and analysis of the following subject matter, with respect to the United States, the European Community and principal countries within the European Community, Japan, and whenever applicable, the Union of Soviet Socialist Republics—

(A) research and development expenditures, and productivity and technological trends in major industrial and agricultural sectors;

(B) investment patterns in new plant and equipment;

(C) industrial manpower and training practices;

(D) tax incentives and other governmental financial assistance;

(E) export promotion practices;

(F) share of the export market, by area and industrial and agricultural sectors;

(G) environmental practices;

(H) antitrust practices; and

(I) long-range governmental economic planning programs, targets, and objectives;

(5) a review of the relationship between the United States Government and American private business with respect to the categories of subject matter listed in subparagraphs (A) through (I) of paragraph (4) and any other appropriate areas of information, together with recommendations for appropriate policies and programs in order to insure that

American business is competitive in international commerce; and

(6) a program for carrying out the policy objectives of this chapter, together with such recommendations for legislation as he may deem necessary or desirable.

(b) Supplementary reports to Congress

The President may transmit from time to time to the Congress reports supplementary to the International Economic Report, each of which may include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the purposes and policy objectives set forth in this chapter.

(Pub. L. 92-412, title II, § 207, Aug. 29, 1972, 86 Stat. 648; Pub. L. 93-121, § 4, Oct. 4, 1973, 87 Stat. 448.)

AMENDMENTS

1973—Subsecs. (a)(4) to (6). Pub. L. 93-121 added pars. (4) and (5) and redesignated former par. (4) as (6).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2845 of this title.

§ 2847. Staff of Council

(a) Executive Director; appointment and compensation; information to Congressional Committees

The staff of the Council shall be headed by an Executive Director who shall be appointed by the President, and he shall be compensated at the rate now or hereafter provided for level II of the Executive Schedule (section 5313 of title 5). He shall keep the Committee on Banking, Housing and Urban Affairs of the Senate, the Committee on Banking, Finance and Urban Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Joint Economic Committee fully and currently informed regarding the activities of the Council.

(b) Staff personnel; appointment and compensation; executive level IV and V positions

(1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such staff personnel as he deems necessary. The staff of the Council shall be appointed and compensated without regard to the provisions of law regulating the employment and compensation of persons in the Government service: *Provided*, That, except for the officers provided for in paragraph (2) and for not to exceed eight persons who may receive compensation not in excess of the rate now or hereafter provided for GS-18, no staff personnel shall receive compensation in excess of the rate now or hereafter provided for GS-15.

(2) With the approval of the Council, the Executive Director may appoint and fix the compensation of one officer at a rate of basic compensation not to exceed the rate provided for level IV of the Federal Executive Salary Schedule, and appoint and fix the compensation of two officers at rates of basic compensation not to exceed the rate provided for level V of the Federal Executive Salary Schedule.

(c) Temporary and intermittent services

With the approval of the Council, the Executive Director may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, at rates not to exceed the daily equivalent of the rate provided for GS-18.

(d) Detail of Federal agency personnel to Council; reimbursable basis

Upon request of the Executive Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Council to assist it in carrying out its duties under this chapter.

(Pub. L. 92-412, title II, § 208, Aug. 29, 1972, 86 Stat. 649; H. Res. 163, Mar. 19, 1975; Pub. L. 94-87, § 1, Aug. 9, 1975, 89 Stat. 432; H. Res. 5, Jan. 4, 1977.)

REFERENCES IN TEXT

GS-18 and GS-15, referred to in subsecs. (b)(1) and (c), are contained in the General Schedule which is set out under section 5332 of Title 5, Government Organization and Employees.

Levels IV and V of the Federal Executive Salary Schedule, referred to in subsec. (b)(2), are set out in sections 5315 and 5316 of Title 5.

AMENDMENTS

1975—Subsec. (b)(1). Pub. L. 94-87 exempted the appointment and compensation of the staff of the Council from federal laws relating to government service, limited executive salary level positions to eight, set the maximum compensation for others at salary level GS-15, and struck out provisions requiring the staff of the Council to be appointed subject to title 5, and compensation paid according to classification and General Schedule pay rates.

CHANGE OF NAME

The name of the Committee on Foreign Affairs of the House of Representatives was changed to Committee on International Relations, effective Mar. 19, 1975, by House Resolution 163, 94th Congress.

The name of the Committee on Banking and Currency of the House of Representatives was changed to Committee on Banking, Finance and Urban Affairs, effective Jan. 4, 1977, by House Resolution 5, 95th Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2847a of this title.

§ 2847a. Executive Director of Council; appointment

Notwithstanding the provisions of section 2847(a) of this title, any future Executive Director of the Council on International Economic Policy appointed after October 4, 1973, shall be appointed by the President, by and with the advice and consent of the Senate.

(Pub. L. 93-121, § 5, Oct. 4, 1973, 87 Stat. 448.)

CODIFICATION

Section was not enacted as a part of the International Economic Policy Act of 1972, which is classified to this chapter.

§ 2848. Expiration date

The provisions of this chapter shall expire on September 30, 1977, unless extended by legislation enacted by the Congress.

(Pub. L. 92-412, title II, § 209, Aug. 29, 1972, 86 Stat. 649; Pub. L. 93-121, § 2, Oct. 4, 1973, 87 Stat. 447; Pub. L. 94-87, § 2, Aug. 9, 1975, 89 Stat. 432.)

AMENDMENTS

1975—Pub. L. 94-87 extended termination date to September 30, 1977, from June 30, 1977.

1973—Pub. L. 93-121 extended termination date to June 30, 1977, from June 30, 1973.

§ 2849. Authorization of appropriations

For the purpose of carrying out the provisions of this chapter, there are authorized to be appropriated $1,657,000 for fiscal year ending June 30, 1976, and $1,670,000 for the fiscal year ending September 30, 1977.

(Pub. L. 92-412, title II, § 210, Aug. 29, 1972, 86 Stat. 649; Pub. L. 93-121, § 3, Oct. 4, 1973, 87 Stat. 448; Pub. L. 93-315, June 22, 1974, 88 Stat. 239; Pub. L. 94-87, § 3, Aug. 9, 1975, 89 Stat. 432.)

AMENDMENTS

1975—Pub. L. 94-87 substituted authorization of appropriation of $1,657,000 for fiscal year ending June 30, 1976, and $1,670,000 for the fiscal year ending September 30, 1977 for authorization of appropriation of $1,800,000 for the fiscal year ending June 30, 1975.

1974—Pub. L. 93-315 substituted "is authorized" for "are authorized", "$1,800,000" for "$1,400,000", and "the fiscal year ending June 30, 1975" for "fiscal year 1974".

1973—Pub. L. 93-121 substituted fiscal year "1974" for "1973".

CHAPTER 43—INTERNATIONAL BROADCASTING

Sec.

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§ 2871. Congressional findings and declaration of purpose

The Congress hereby finds and declares—

(1) that it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with article 19 of the Universal Declaration of Human Rights;

(2) that open communication of information and ideas among the peoples of the world contributes to international peace and stability, and that the promotion of such communication is in the interests of the United States;

(3) that Free Europe, Incorporated, and the Radio Liberty Committee, Incorporated (hereinafter referred to as Radio Free Europe and Radio Liberty), having demonstrated their effectiveness in furthering the open communication of information and ideas in Eastern Europe and the Union of Soviet Socialist Republics;

(4) that the continuation of Radio Free Europe and Radio Liberty as independent broadcast media, operating in a manner not inconsistent with the broad foreign policy objectives of the United States and in accordance with high professional standards, is in the national interest; and

(5) that in order to provide an effective instrumentality for the continuation of assistance to Radio Free Europe and Radio Liberty and to encourage a constructive dialog with the peoples of the Union of Soviet Socialist Republics and Eastern Europe, it is desirable to establish a Board for International Broadcasting.

(Pub. L. 93-129, § 2, Oct. 19, 1973, 87 Stat. 457.)

SHORT TITLE

Section 1 of Pub. L. 93-129 provided: "That this Act [enacting this chapter] may be cited as the 'Board for International Broadcasting Act of 1973'."

REPORT ON INTERNATIONAL BROADCASTING

Pub. L. 94-350, title IV, § 403, July 12, 1976, 90 Stat. 833, provided that:

"Not later than January 31, 1977, the President shall submit to the Congress a report—

"(1) recommending steps to be taken to utilize more effectively the transmission facilities for international broadcasting, both existing and planned, of the United States Government;

"(2) examining the feasibility of greater cooperation with foreign countries to insure mutually efficient use of nationally owned and nationally funded transmission facilities for international broadcasting;

"(3) containing a comprehensive outline of projected needs for United States international broadcasting operations based on anticipated language requirements and anticipated cooperation among various agencies of the United States Government, United States Government-funded organizations, and foreign governments involved in international broadcasting; and

"(4) recommending steps which should be taken to extend broadcasting operations similar to those carried out under the Board for International Broadcasting Act of 1973 [this chapter] to additional countries where access to information is restricted by the policies of the governments of such countries."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2873 of this title.

§ 2872. Board for International Broadcasting

(a) Establishment

There is established a Board for International Broadcasting (hereinafter referred to as the "Board").

(b)(1) Composition

The Board shall consist of six members, one of whom shall be an ex officio member. The President shall appoint, by and with the advice and consent of the Senate, five voting members, one of whom he shall designate as chairman. Not more than three of the members of the Board appointed by the President shall be of the same political party. The chief operating executive of Radio Free Europe and Radio Liberty shall be an ex officio member of the Board and shall participate in the activities of the Board, but shall not vote in the determinations of the Board.

(2) Selection

Members of the Board appointed by the President shall be citizens of the United States who are not concurrently regular full-time employees of the United States Government. Such members shall be selected by the President from among Americans distinguished in the fields of foreign policy or mass communications.

(3) Term of office of Presidentially appointed members

In appointing the initial voting members of the Board, the President shall designate three of the members appointed by him to serve for a term of three years and two members to serve for a term of two years. Thereafter, the term of office of each member of the Board so appointed shall be three years. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

(4) Term of office of ex officio member

The ex officio member of the Board shall serve on the Board during his term of service as chief operating executive of Radio Free Europe and Radio Liberty.

(5) Compensation

Members of the Board appointed by the President shall, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including traveltime, be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level V of the Executive Schedule under section 5316 of title 5. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. The ex officio member of the Board shall not be entitled to any compensation under this chapter, but may be allowed travel expenses as provided in the preceding sentence.

(c) Supplies, services, and other personal property: procurement

The Board may, to the extent it deems necessary to carry out its functions under this chapter, procure supplies, services, and other personal property, including specialized electronic equipment.

(Pub. L. 93-129, § 3, Oct. 19, 1973, 87 Stat. 457; Pub. L. 94-350, title III, § 302(a), (b), July 12, 1976, 90 Stat. 832.)

AMENDMENTS

1976—Subsec. (b)(1). Pub. L. 94-350, § 302(a)(1), substituted in first sentence "six members, one of whom shall be an ex officio member" for "seven members, two of whom shall be ex officio members" and in fourth sentence "Radio Liberty shall be an ex officio member" for "the chief operating executive of Radio Liberty shall be ex officio members".

Subsec. (b)(4). Pub. L. 94-350, § 302(a)(2), substituted "The ex officio member of the Board shall serve on the Board during his term of service as chief operating executive of Radio Free Europe and Radio Liberty" for "Ex officio members of the Board shall serve on the Board during their terms of service as chief operating executives of Radio Free Europe or Radio Liberty".

Subsec. (b)(5). Pub. L. 94-350, § 302(a)(3), substituted in third sentence "The ex officio member" for "Ex officio members".

Subsec. (c). Pub. L. 94-350, § 302(b), added subsec. (c).

§ 2873. Functions of Board

(a) The Board is authorized:

(1) to make grants to Radio Free Europe and to Radio Liberty in order to carry out the purposes set forth in section 2871 of this title;

(2) to review and evaluate the mission and operation of Radio Free Europe and Radio Liberty, and to assess the quality, effectiveness and professional integrity of their broadcasting within the context of the broad foreign policy objectives of the United States;

(3) to encourage the most efficient utilization of available resources by Radio Free Europe and Radio Liberty and to undertake, or request that Radio Free Europe or Radio Liberty undertake, such studies as may be necessary to identify areas in which the operations of Radio Free Europe and Radio Liberty may be made more efficient and economical;

(4) to develop and apply such financial procedures, and to make such audits of Radio Free Europe and Radio Liberty as the Board may determine are necessary, to assure that grants are applied in accordance with the purposes for which such grants are made;

(5) to develop and apply such evaluative procedures as the Board may determine are necessary to assure that grants are applied in a manner not inconsistent with the broad foreign policy objectives of the United States Government;

(6) to appoint such staff personnel as may be necessary, subject to the provisions of title 5 governing appointments in the competitive service, and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title

relating to classification and General Schedule pay rates;

(7)(A) to procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5 at rates not to exceed the daily equivalent of the rate provided for GS-18; and

(B) to allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5 for persons in the Government service employed intermittently, while so employed;

(8) to report annually to the President and the Congress on or before the 31st day of January, summarizing the activities of the Board during the year ending the preceding September 30, and reviewing and evaluating the operation of Radio Free Europe and Radio Liberty during such year; and

(9) to prescribe such regulations as the Board deems necessary to govern the manner in which its functions shall be carried out.

(b) In carrying out the foregoing functions, the Board shall bear in mind the necessity of maintaining the professional independence and integrity of Radio Free Europe and Radio Liberty.

(Pub. L. 93-129, § 4, Oct. 19, 1973, 87 Stat. 458; Pub. L. 94-350, title III, § 302(c), July 12, 1976, 90 Stat. 833.)

REFERENCES IN TEXT

The provisions of Title 5 governing appointments in the competitive service, referred to in subsec. (a)(6) are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

GS-18, referred to in subsec. (a)(7)(A), is contained in the General Schedule which is set out under section 5332 of Title 5, Government Organization and Employees.

AMENDMENTS

1976—Subsec. (a)(8). Pub. L. 94-350 substituted as dates for the annual report "31st day of January" for "30th day of October" and "September" for "June".

§ 2874. Recordkeeping requirements for Radio Free Europe and Radio Liberty

(a) Amounts and disposition of assistance; costs; portion of costs supplied by other sources; other records

The Board shall require that Radio Free Europe and Radio Liberty keep records which fully disclose the amount and disposition of assistance provided under this chapter, the total cost of the undertakings or programs in connection with which such assistance is given or used, that portion of the cost of the undertakings or programs supplied by other sources, and such other records as will facilitate an effective audit.

(b) Access to records for audit and examination

The Board and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of Radio Free Europe and Radio Liberty which, in the opinion of the Board or the Comptroller General, may be related or pertinent to the assistance provided under this chapter.

(c) Disclosure of persons and governments making contributions

No grant may be made under this chapter unless the radio to which the grant is to be made agrees to make available, and does make available, for public inspection, during normal business hours at its principal office in the United States, a complete list of every person and government making a contribution to that radio during the fiscal year preceding the making of the grant and the fiscal year in which the grant is to be made, the address of the person or government making the contribution, the amount of each such contribution, and the date the contribution was made.

(Pub. L. 93-129, § 5, Oct. 19, 1973, 87 Stat. 459.)

§ 2875. Foreign policy information supplied to Board by Secretary of State

To assist the Board in carrying out its functions, the Secretary of State shall provide the Board with such information regarding the foreign policy of the United States as the Secretary may deem appropriate.

(Pub. L. 93-129, § 6, Oct. 19, 1973, 87 Stat. 459.)

§ 2876. Public support

The Board is authorized to receive donations, bequests, devises, gifts, and other forms of contributions of cash, services, and other property, from persons, corporations, foundations, and all other groups and entities both within the United States and abroad, and pursuant to the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], to use, sell, or otherwise dispose of such property for the carrying out of its functions. For the purposes of sections 170, 2055, and 2522 of title 26, the Board shall be deemed to be a corporation described in section 170(c)(2), 2055(a)(2), or 2522(a)(2) of title 26, as the case may be.

(Pub. L. 93-129, § 7, Oct. 19, 1973, 87 Stat. 459.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377. Provisions of that act relating to management and disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of Title 40, and Tables volume.

§ 2877. Authorization of appropriations; fluctuations in foreign currency exchange rates affecting budgeted level of operation of Radio Free Europe and Radio Liberty

(a) There are authorized to be appropriated to carry out the purposes of this chapter for fiscal year 1977—

(1) $58,385,000, of which $5,000,000 shall be available only to the extent that the Director of the Office of Management and Budget determines (and so certifies to the Congress) is necessary, because of downward fluctuations in foreign currency exchange rates in order to maintain the budgeted level of operation for Radio Free Europe and Radio Liberty; and

(2) such additional amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs.

Amounts appropriated under this section are authorized to remain available until expended.

(b) The Director of the Office of Management and Budget shall place in reserve and inform the Congress of any amount appropriated under this section which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for Radio Free Europe and Radio Liberty.

(Pub. L. 93-129, § 8, Oct. 19, 1973, 87 Stat. 460; Pub. L. 93-392, Aug. 28, 1974, 88 Stat. 781; Pub. L. 94-104, § 1, Oct. 6, 1975, 89 Stat. 508; Pub. L. 94-350, title III, § 301, July 12, 1976, 90 Stat. 832.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-350 incorporated existing first and second sentences in provisions designated pars. (1) and (2) and the last sentence, substituted appropriations authorization of $58,385,000 for fiscal year 1977 for prior provision for $65,640,000 for fiscal year 1976, and made $5,000,000 available only when determined by Director of Office of Management and Budget to be necessary because of downward fluctuations in foreign currency exchange rates in order to maintain the budgeted level of operation for Radio Free Europe and Radio Liberty.

Subsec. (b). Pub. L. 94-350 substituted requirement that Director of Office of Management and Budget place in reserve and inform the Congress of any amount appropriated under this section which, because of upward fluctuations in foreign currency exchange rates, is in excess of amount necessary to maintain the budgeted level of operation for Radio Free Europe and Radio Liberty for prior provision authorizing Secretary of State to make grants to Radio Free Europe and to Radio Liberty under such terms and conditions as he deemed appropriate to their continued operation until a majority of the voting members of the Board were appointed and qualified, and until appropriated funds were available to the Board.

1975—Subsec. (a). Pub. L. 94-104, substituted provisions authorizing appropriation of $65,640,000 for fiscal year 1976 for provisions authorizing appropriation of $49,990,000 for fiscal year 1975, of which not less than $75,000 was to be available solely to initiate broadcasts in the Estonian language and not less than $75,000 was to be available solely to initiate broadcasts in the Latvian language, and extended from fiscal year 1975 to fiscal year 1976 authorization for additional or supplemental amounts.

1974—Subsec. (a). Pub. L. 93-392 substituted provisions authorizing appropriations of $49,990,000 for fiscal year 1975, of which not less than $75,000 shall be available solely to initiate broadcasts in the Estonian language and not less than $75,000 shall be available solely to initiate broadcasts in the Latvian language, for provisions authorizing appropriations of $49,990,000 for fiscal year 1974, and extended from fiscal year 1974 to fiscal year 1975 authorization for additional or supplemental amounts.

CHAPTER 44—JAPAN-UNITED STATES FRIENDSHIP

Sec.

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2903. Japan-United States Friendship Commission.
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(e) Payments for implementation of programs and necessary expenses of Commission, appropriation of amounts; exceptions.

§ 2901. Congressional statement of findings and declaration of purpose

(a) The Congress hereby finds that—

(1) the post-World War II evolution of the relationship between Japan and the United States to peacetime friendship and partnership is one of the most significant developments of the postwar period;

(2) the Agreement Between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo on June 17, 1971, is a major achievement and symbol of the new relationship between the United States and Japan; and

(3) the continuation of close United States-Japan friendship and cooperation will make a vital contribution to the prospects for peace, prosperity, and security in Asia and the world.

(b) It is therefore the purpose of this chapter to provide for the use of an amount equal to a part of the total sum payable by Japan to the United States in connection with the reversion of Okinawa to Japanese administration and the remaining funds of the amount set aside in 1962 for educational and cultural exchange with Japan (known as the G.A.R.I.O.A. Account) to aid education and culture at the highest level in order to enhance reciprocal people-to-people understanding and to support the close friendship and mutuality of interests between the United States and Japan.

(Pub. L. 94-118, § 2, Oct. 20, 1975, 89 Stat. 603.)

SHORT TITLE

Section 1 of Pub. L. 94-118 provided: "That this Act [enacting this chapter] may be cited as the 'Japan-United States Friendship Act'."

§ 2902. Japan-United States Friendship Trust Fund

(a) Establishment

There is established in the Treasury of the United States a trust fund to be known as the Japan-United States Friendship Trust Fund (hereafter referred to as the "Fund").

(b) Use of amounts in Fund for promotion of scholarly, cultural, and artistic activities between Japan and United States

Amounts in the Fund shall be used for the promotion of scholarly, cultural, and artistic activities between Japan and the United States, including—

(1) support for studies, including language studies, in institutions of higher education or scholarly research in Japan and the United States, designed to foster mutual understanding between Japan and the United States;

(2) support for major collections of Japanese books and publications in appropriate libraries located throughout the United States and similar support for collections of American books and publications in appropriate libraries located throughout Japan;

(3) support for programs in the arts in association with appropriate institutions in Japan and the United States;

(4) support for fellowships and scholarships at the graduate and faculty levels in Japan and the United States in accord with the purposes of this chapter;

(5) support for visiting professors and lecturers at colleges and universities in Japan and the United States; and

(6) support for other Japan-United States cultural and educational activities consistent with the purposes of this chapter.

(c) Use of amounts in Fund for administrative expenses of Japan-United States Friendship Commission

Amounts in the Fund may also be used to pay administrative expenses of the Japan-United States Friendship Commission, established by section 2903 of this title, as directed by that Commission.

(d) Authorization of appropriations; source of amounts

There is authorized to be appropriated to the Fund, for fiscal year 1976, an amount equal to 7.5 per centum of the total funds payable to the United States pursuant to the Agreement Between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo, June 17, 1971, including interest and proceeds accruing to the Fund from such funds in accordance with sections 2905(4) and 2906 of this title.

(e) Additional authorization of appropriations; source of amounts; subsequent use of unappropriated portion of amounts authorized to be appropriated

(1) There is authorized to be appropriated to the Fund, for fiscal year 1976, in addition to the amount authorized to be appropriated by subsection (d) of this section, those funds available in United States accounts in Japan and transferred by the Government of Japan to the United States pursuant to the United States request made under article V of the agreement between the United States of America and Japan regarding the settlement of Postwar Economic Assistance to Japan, signed in Tokyo, January 9, 1962, and the exchange of notes of the same date (13 U.S.T. 1957; T.I.A.S. 5154) (the G.A.R.I.O.A. Account), including interest accruing to the G.A.R.I.O.A. Account and interest and proceeds accruing to the Fund from such funds in accordance with sections 2905(4) and 2906 of this title.

(2) The amount authorized to be appropriated by paragraph (1) of this subsection shall not include any amount required by law to be applied to United States participation in the International Ocean Exposition to be held in Okinawa, Japan.

(3) Any unappropriated portion of the amount authorized to be appropriated by subsection (d) of this section and paragraph (1) of this subsection for fiscal year 1976 may be appropriated in any subsequent fiscal year.

(Pub. L. 94-118, § 3, Oct. 20, 1975, 89 Stat. 603; Pub. L. 94-350, title IV, § 401(2), (3)(A), July 12, 1976, 90 Stat. 833.)

AMENDMENTS

1976—Subsec. (d). Pub. L. 94-350, § 401(2), included interest and proceeds accruing to the Fund in accordance with sections 2905(4) and 2906 of this title.

Subsec. (e)(1). Pub. L. 94-350, § 401(3)(A), included interest and proceeds accruing to the Fund in accordance with sections 2905(4) and 2906 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2904 to 2906 of this title.

§ 2903. Japan-United States Friendship Commission

(a) Establishment; composition

There is established a commission to be known as the Japan-United States Friendship Commission (hereafter referred to as the "Commission"). The Commission shall be composed of—

(1) the members of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational Cooperation;

(2) two Members of the House of Representatives, to be appointed at the beginning of each Congress or upon the occurrence of a vacancy during a Congress by the Speaker of the House of Representatives;

(3) two Members of the Senate, to be appointed at the beginning of each Congress or upon the occurrence of a vacancy during a Congress by the President pro tempore of the Senate;

(4) the Chairman of the National Endowment for the Arts; and

(5) the Chairman of the National Endowment for the Humanities.

(b) Compensation and travel expenses

Members of the Commission who are not full-time officers or employees of the United States and who are not Members of Congress shall, while serving on business of the Commission, be entitled to receive compensation at rates fixed by the President, but not exceeding the rate specified at the time of such service for grade

GS-18 in section 5332 of title 5, including traveltime; and while so serving away from their homes or regular places of business, all members of the Commission may be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in Government service employed intermittently.

(c) Chairman; quorum; meetings

The Chairman of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational Cooperation shall be the Chairman of the Commission. A majority of the members of the Commission shall constitute a quorum. The Commission shall meet at least twice in each year.

(Pub. L. 94-118, § 4, Oct. 20, 1975, 89 Stat. 604.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2902 of this title.

§ 2904. Functions of Commission

(a) The Commission is authorized to—

(1) develop and carry out programs at public or private institutions for the promotion of scholarly, cultural, and artistic activities in Japan and the United States consistent with the provisions of section 2902(b) of this title; and

(2) make grants to carry out such programs.

(b) The Commission shall submit to the President and to the Congress an annual report of its activities under this chapter together with such recommendations as the Commission determines appropriate.

(Pub. L. 94-118, § 5, Oct. 20, 1975, 89 Stat. 605.)

§ 2905. Administrative powers of Commission

In order to carry out its functions under this chapter, the Commission is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of this chapter; and to use, sell, or otherwise dispose of such property (including transfer to the Fund) for the purpose of carrying out the purposes of this chapter, and any such donation shall be exempt from any Federal income, State, or gift tax;

(3) in the discretion of the Commission, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Commission with a condition or restriction, including a condition that the Commission use other funds of the Commission for the purposes of the gift, and any such donation shall be exempt from any Federal income, State, or gift tax;

(4) direct the Secretary of the Treasury to make expenditure of the income of the Fund and not to exceed 5 per centum annually of the principal of the Fund to carry out the purposes of this chapter, including the payment of Commission expenses if needed, except that any amounts expended from amounts appropriated to the Fund under section 2902(e)(1) of this title shall be expended in Japan;

(5) appoint an Executive Director, without regard to the provisions of title 5 governing appointments in the competitive service, who shall be compensated at the rate provided for a GS-18 of the General Schedule of such title;

(6) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, at rates for individuals not to exceed the rate specified at the time of such service for grade GS-18 in section 5332 of title 5;

(7) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5;

(8) enter into contracts, grants, or other arrangements, or modifications thereof;

(9) make advances, progress, and other payments which the Commission deems necessary under this chapter; and

(10) obtain such administrative support services and personnel as the Commission deems necessary and appropriate to its needs.

(Pub. L. 94-118, § 6, Oct. 20, 1975, 89 Stat. 605; Pub. L. 94-350, title IV, § 401(1), July 12, 1976, 90 Stat. 833.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in par. (5), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

GS-18 of the General Schedule, referred to in par. (5), is contained in the General Schedule which is set out under section 5332 of Title 5.

AMENDMENTS

1976—Par. (10). Pub. L. 94-350 deleted "from the Secretary of State, on a reimbursable basis," following "obtain".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2902, 2906 of this title.

§ 2906. Management of the Friendship Trust Fund

(a) Constituent amounts

The Fund shall consist of—

(1) amounts appropriated under sections 2902(d) and (e)(1) of this title;

(2) any other amounts received by the Fund by way of gifts and donations; and

(3) interest and proceeds credited to it under subsection (b) of this section.

(b) Investments by Secretary of Treasury in authorized obligations; issuance of obligations and special obligations; conditions of acquisition

It shall be the duty of the Secretary of the Treasury (hereafter referred to as the "Secretary") to invest such portion of the Fund as is not, in the judgment of the Commission, required to meet current withdrawals. Such investment of amounts authorized to be appropriated under section 2902(d) of this title may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United

States. For such purposes, the obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States issued during the preceding two years then forming part of the public debt; except that where such average rate is not a multiple of one-eight of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(c) Sale of obligations; redemption of special obligations

Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) Credit to Fund of interest on, and proceeds from sale or redemption of, any obligations held in Fund

The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) Payments for implementation of programs and necessary expenses of Commission; appropriation of amounts; exceptions

In accordance with section 2905(4) of this title, the Secretary shall pay out of the Fund such amounts, including expenses of the Commission, as the Commission considers necessary to carry out the provisions of this chapter; except that amounts in the Fund, other than amounts which have been appropriated and amounts received by the Commission pursuant to sections 2905(2) and (3) of this title, shall be subject to the appropriation process.

(Pub. L. 94-118, § 7, Oct. 20, 1975, 89 Stat. 606; Pub. L. 94-350, title IV, § 401(3)(B), July 12, 1976, 90 Stat. 833.)

REFERENCES IN TEXT

The Second Liberty Bond Act, as amended, referred to in subsec. (b), is act Sept. 24, 1917, ch. 56, 40 Stat. 288. For classification of this Act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables volume.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-350 substituted in second sentence "investment of amounts authorized to be appropriated under section 2902(d) of this title may be made" for "investment may be made".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2902 of this title.

CHAPTER 45—COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Sec.
3001. Commission on Security and Cooperation in Europe; establishment.
3002. Function and duties of Commission.
3003. Membership of Commission; appointing authorities.
3004. Testimony of witnesses, production of evidence; issuance of subpena; administration of oaths.
3005. Presidential report to Congress; semiannual submission; contents.
3006. Commission report to Congress; periodic reports; expenditure of appropriations.
3007. Authorization of appropriations.
3008. Compensation of staff personnel; limitations.

§ 3001. Commission on Security and Cooperation in Europe; establishment

There is established the Commission on Security and Cooperation in Europe (hereafter in this chapter referred to as the "Commission").

(Pub. L. 94-304, § 1, June 3, 1976, 90 Stat. 661.)

§ 3002. Function and duties of Commission

The Commission is authorized and directed to monitor the acts of the signatories which reflect compliance with or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe, with particular regard to the provisions relating to Cooperation in Humanitarian Fields. The Commission is further authorized and directed to monitor and encourage the development of programs and activities of the United States Government and private organizations with a view toward taking advantage of the provisions of the Final Act to expand East-West economic cooperation and a greater interchange of people and ideas between East and West.

(Pub. L. 94-304, § 2, June 3, 1976, 90 Stat. 661.)

REFERENCES IN TEXT

The Final Act of the Conference on Security and Cooperation in Europe, referred to in text, means part four of the Helsinki Declaration which deals with follow-up to the Conference and possible steps to encourage compliance with its purposes and undertakings. The Declaration was signed on August 1, 1975 by the nine members of the European Economic Community and the 35 participants to the Conference included all the European States, both Communist (except Albania) and non-Communist, the United States, Canada, and several non-participating Mediterranean states.

§ 3003. Membership of Commission; appointing authorities

The Commission shall be composed of fifteen members as follows:

(1) Six Members of the House of Representatives appointed by the Speaker of the House of Representatives. Four members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the House, from the minority party. The Speaker shall designate one of the House Members as chairman.

(2) Six Members of the Senate appointed by the President of the Senate. Four members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the Senate, from the minority party.

(3) One member of the Department of State appointed by the President of the United States.

(4) One member of the Defense Department appointed by the President of the United States.

(5) One member of the Commerce Department appointed by the President of the United States.

(Pub. L. 94-304, § 3, June 3, 1976, 90 Stat. 661.)

§ 3004. Testimony of witnesses, production of evidence; issuance of subpena; administration of oaths

In carrying out this chapter, the Commission may require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpenas may be issued over the signature of the Chairman of the Commission or any member designated by him, and may be served by any person designated by the Chairman or such member. The Chairman of the Commission, or any member designated by him, may administer oaths to any witness.

(Pub. L. 94-304, § 4, June 3, 1976, 90 Stat. 661.)

§ 3005. Presidential report to Congress; semiannual submission; contents

In order to assist the Commission in carrying out its duties, the President shall submit to the Commission a semiannual report, the first one to be submitted six months after June 3, 1976, which shall include (1) a detailed survey of actions by the signatories of the Final Act reflecting compliance with or violation of the provisions of the Final Act, and (2) a listing and description of present or planned programs and activities of the appropriate agencies of the executive branch and private organizations aimed at taking advantage of the provisions of the Final Act to expand East-West economic cooperation and to promote a greater interchange of people and ideas between East and West.

(Pub. L. 94-304, § 5, June 3, 1976, 90 Stat. 661.)

REFERENCES IN TEXT

The Final Act of the Conference on Security and Cooperation in Europe, referred to in text, means part four of the Helsinki Declaration which deals with follow-up to the Conference and possible steps to encourage compliance with its purposes and undertakings. The Declaration was signed on August 1, 1975 by the nine members of the European Economic Community and the 35 participants to the Conference included all the European States, both Communist (except Albania) and non-Communist, the United States, Canada, and several non-participating Mediterranean states.

§ 3006. Commission report to Congress; periodic reports; expenditure of appropriations

The Commission is authorized and directed to report to the House of Representatives and the Senate with respect to the matters covered by this chapter on a periodic basis and to provide information to Members of the House and Senate as requested. For each fiscal year for which an appropriation is made the Commission shall submit to Congress a report on its expenditures under such appropriation.

(Pub. L. 94-304, § 6, June 3, 1976, 90 Stat. 662.)

§ 3007. Authorization of appropriations

(a) There is authorized to be appropriated to the Commission for each fiscal year and to remain available until expended $350,000 to assist in meeting the expenses of the Commission for the purpose of carrying out the provisions of this chapter, such appropriation to be disbursed on voucher to be approved by the Chairman of the Commission.

(b) For purposes of section 1754(b) of this title, the Commission shall be deemed to be a standing committee of the Congress and shall be entitled to use funds in accordance with such sections.

(Pub. L. 94-304, § 7, June 3, 1976, 90 Stat. 662; Pub. L. 94-534, Oct. 17, 1976, 90 Stat. 2495.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-534, § 1(1), designated existing provisions as subsec. (a).

Subsec. (b). Pub. L. 94-534, § 1(2), added subsec. (b).

§ 3008. Compensation of staff personnel; limitations

The Commission may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5 governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

(Pub. L. 94-304, § 8, June 3, 1976, 90 Stat. 662.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in the text, are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

CHAPTER 46—INTERNATIONAL INVESTMENT SURVEY

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3102. Definitions.
3103. Presidential authority and duties.
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(b) Benchmark survey of United States direct investment abroad and foreign direct investment in United States.
(c) Benchmark survey of foreign portfolio investment in United States and United States portfolio investment abroad; report to Congress.
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3106. Use of experts and administrative support services; compensation and travel expenses; use of available federal agency services, equipment, personnel, and facilities.
3107. Consultations; creation of independent public advisory committees; review and annual report to Congress.
3108. Authorization of appropriations.

§ 3101. Congressional statement of findings and declaration of purpose

(a) The Congress finds and declares that—

(1) the United States Government is presently authorized to collect limited amounts of information on United States investment abroad and foreign investment in the United States;

(2) international investment has increased rapidly within recent years;

(3) such investment significantly affects the economies of the United States and other nations;

(4) international efforts to obtain information on the activities of multinational enterprises and other international investors have accelerated recently;

(5) the potential consequences of international investment cannot be evaluated accurately because the United States Government lacks sufficient information on such investment and its actual or possible effects on the national security, commerce, employment, inflation, general welfare, and foreign policy of the United States;

(6) accurate and comprehensive information on international investment is needed by the Congress to develop an informed United States policy on such investment; and

(7) existing estimates of international investment, collected under existing legal authority, are limited in scope and are based on outdated statistical bases, reports, and information which are insufficient for policy formulation and decisionmaking.

(b) It is therefore the purpose of this chapter to provide clear and unambiguous authority for the President to collect information on international investment and to provide analyses of such information to the Congress, the executive agencies, and the general public. It is the intent of the Congress that information which is collected from the public under this chapter be obtained with a minimum burden on business and other respondents and with no unnecessary duplication of effort, consistent with the national interest in obtaining comprehensive and reliable information on international investment.

(c) Nothing in this chapter is intended to restrain or deter foreign investment in the United States or United States investment abroad.

(Pub. L. 94-472, § 2, Oct. 11, 1976, 90 Stat. 2059.)

Short Title

Section 1 of Pub. L. 94-472 provided that: "This Act [enacting this chapter] may be cited as the 'International Investment Survey Act of 1976'."

Ex. Ord. No. 11961. Administration of Chapter

Ex. Ord. No. 11961, Jan. 19, 1977, 42 F.R. 4321, provided:

By virtue of the authority vested in me by the International Investment Survey Act of 1976 (90 Stat. 2059, 22 U.S.C. 3101) [this chapter], and section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

Section 1. All the functions vested in the President by the International Investment Survey Act of 1976 (90 Stat. 2059, 22 U.S.C. 3101) [this chapter], hereinafter referred to as the Act, are hereby delegated to the Director of the Office of Management and Budget, hereinafter referred to as the Director. The Director may, from time to time, designate other officers or agencies of the Federal Government to perform any or all of the functions hereby delegated to the Director, subject to such instructions, limitations, and directions as the Director deems appropriate.

Sec. 2. Subject to the provisions of section 1 of this order, and in the absence of any contrary delegation or direction by the Director, the Secretary of the Treasury, with respect to portfolio investment, shall perform the functions set forth in sections 4(a)(1), (2), (4) and 4(c) of the Act [section 3103(a)(1), (2), (4) and (c) of this title].

Sec. 3. Subject to the provisions of section 1 of this order, and in the absence of any contrary delegation or direction by the Director, the Secretary of Commerce, with respect to direct investment, shall perform the functions set forth in sections 4(a)(1), (2), (4) and 4(b) of the Act [section 3103(a)(1), (2), (4) and (b) of this title].

Sec. 4. Subject to the provisions of section 1 of this order, and in the absence of any contrary delegation or direction by the Director, the Council on International Economic Policy shall perform the function of making periodic reports to the Committees of the Congress as set forth in Section 4(a)(3) of the Act [section 3103(a)(3) of this title].

Gerald R. Ford.

§ 3102. Definitions

As used in this chapter, the term—

(1) "United States", when used in a geographic sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, and all territories and possessions of the United States;

(2) "foreign", when used in a geographic sense, means that which is situated outside the United States or which belongs to or is characteristic of a country other than the United States;

(3) "person" means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency);

(4) "United States person" means any person resident in the United States or subject to the jurisdiction of the United States;

(5) "foreign person" means any person resident outside the United States or subject to the jurisdiction of a country other than the United States;

(6) "business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and any ownership of any real estate;

(7) "parent" means a person of one country who, directly or indirectly, owns or controls 10 per centum or more of the voting stock of an incorporated business enterprise, or an equivalent ownership interest in an unincorporated business enterprise, which is located outside that country;

(8) "affiliate" means a business enterprise located in one country which is directly or indirectly owned or controlled by a person of another country to the extent of 10 per centum or more of its voting stock for an incorporated business or an equivalent interest for an unincorporated business, including a branch;

(9) "international investment" means (A) the ownership or control, directly or indirectly, by contractual commitment or otherwise, by foreign persons of any interest in property in the United States, or of stock, other securities, or short- and long-term debt obligations of a United States person, and (B) the ownership or control, directly or indirectly, by contractual commitment or otherwise, by United States persons of any interest in property outside the United States, or of stock, other securities, or short-and long-term debt obligations of a foreign person;

(10) "direct investment" means the ownership or control, directly or indirectly, by one person of 10 per centum or more of the voting securities of an incorporated business enterprise or an equivalent interest in an unincorporated business enterprise; and

(11) "portfolio investment" means any international investment which is not direct investment.

(Pub. L. 94-472, § 3, Oct. 11, 1976, 90 Stat. 2060.)

§ 3103. Presidential authority and duties

(a) Data collection program; studies and surveys; periodic report to congressional committees; statistical information publication

The President shall, to the extent he deems necessary and feasible—

(1) conduct a regular data collection program to secure current information on international capital flows and other information related to international investment, including (but not limited to) such information as may be necessary for computing and analyzing the United States balance of payments, the employment and taxes of United States parents and affiliates, and the international investment position of the United States;

(2) conduct such studies and surveys as may be necessary to prepare reports in a timely manner on specific aspects of international investment which may have significant implications for the economic welfare and national security of the United States;

(3) study the adequacy of information, disclosure, and reporting requirements and procedures relating to international investment; recommend necessary improvements in information recording, collection, and retrieval and in statistical analysis and presentation relating to international investment; and report periodically to the Committees on Foreign Relations and Commerce of the Senate and the Committee on International Relations of the House of Representatives on national and international developments with respect to laws and regulations affecting international investment; and

(4) publish for the use of the general public and United States Government agencies periodic, regular, and comprehensive statistical information collected pursuant to this subsection and to the benchmark surveys conducted pursuant to subsections (b) and (c) of this section.

(b) Benchmark survey of United States direct investment abroad and foreign direct investment in United States

With respect to the United States direct investment abroad and foreign direct investment in the United States, the President shall conduct a comprehensive benchmark survey at least once every five years and, for such purpose, shall, among other things and to the extent he determines necessary and feasible—

(1) identify the location, nature, and magnitude of, and changes in total investment by any parent in each of its affiliates and the financial transactions between any parent and each of its affiliates;

(2) obtain (A) information on the balance sheet of parents and affiliates and related financial data, (B) income statements, including the gross sales by primary line of business (with as much product line detail as is necessary and feasible) of parents and affiliates in each country in which they have significant operations, and (C) related information regarding trade between a parent and each of its affiliates and between each parent or affiliate and any other person;

(3) collect employment data showing both the number of United States and foreign employees of each parent and affiliate and the levels of compensation, by country, industry, and skill level;

(4) obtain information on tax payments by parents and affiliates by country; and

(5) determine, by industry and country, the total dollar amount of research and development expenditures by each parent and affiliate, payments or other compensation for the transfer of technology between parents and their affiliates, and payments or other compensation received by parents or affiliates from the transfer of technology to other persons.

(c) Benchmark survey of foreign portfolio investment in United States and United States portfolio investment abroad; report to Congress

(1) The President shall conduct a comprehensive benchmark survey of foreign portfolio investment in the United States at least once

every five years and, for such purposes, shall (among other things and to the extent he determines necessary and feasible) determine the magnitude and aggregate value of portfolio investment, form of investments, types of investors, nationality of investors and recorded residence of foreign private holders, diversification of holdings by economic sector, and holders of record.

(2) In addition to the benchmark surveys conducted pursuant to paragraph (1), the President shall conduct a benchmark survey of United States portfolio investment abroad and, for such purpose, shall (among other things and to the extent he determines necessary and feasible) determine the magnitude and aggregate value of portfolio investment, form of investments, types of investors, nationality of investors and recorded residence of private holders, diversification of holdings by economic sector, and holders of record. The President shall complete such survey not later than the end of the five-year period beginning on October 11, 1976. After completion of such survey, the President shall report to the Congress on the feasibility and desirability of conducting, on a periodic basis, additional benchmark surveys of United States portfolio investment abroad. If he determines that such additional benchmark surveys are feasible and desirable, he may conduct such surveys.

(d) Foreign agricultural and real property investment and land data system: study; submittal of findings and conclusions to Congress

The President shall conduct a study of the feasibility of establishing a system to monitor foreign direct investment in agricultural, rural, and urban real property, including the feasibility of establishing a nationwide multipurpose land data system, and shall submit his findings and conclusions to the Congress not later than two years after October 11, 1976.

(e) Reporting, recordkeeping, and documentation

Activities shall be conducted so that information obtained pursuant to this chapter shall be timely and useful in the development of policy with respect to international investment. Reporting and recordkeeping requirements imposed under this chapter shall be designed in order to minimize costs to the extent feasible, consistent with effective enforcement and the compilation of information required by this chapter. Reporting, recordkeeping, and documentation requirements shall be periodically reviewed and revised in the light of developments in the field of information technology.

(f) Costs for collecting information

In collecting information under this chapter, the President shall give due regard to the costs incurred by persons supplying such information, as well as to the costs incurred by the Government, and shall insure that the information collected is only in such detail as is necessary to fulfill the stated purposes for which the information is being gathered.

(Pub. L. 94–472, § 4, Oct. 11, 1976, 90 Stat. 2060.)

§ 3104. Rules and regulations

(a) Authorization

The authorities and responsibilities under this chapter may be exercised through such rules and regulations as may be necessary to carry out the purposes of this chapter.

(b) Recordkeeping and reports

Rules or regulations issued pursuant to this chapter may require any person subject to the jurisdiction of the United States—

(1) to maintain a complete record of any information (including journals or other books of original entry, minute books, stock transfer records, lists of shareholders, or financial statements) which is essential to carrying out the international investment surveys and studies to be conducted under this chapter; and

(2) to furnish, under oath, any report containing information which is determined to be necessary to carry out the international investment surveys and studies conducted under this chapter.

(c) Access to information; limitation

Access to information obtained under subsection (b)(2) of this section shall be available only to officials or employees designated to perform functions under this chapter, including consultants and persons working on contracts awarded pursuant to this chapter. Subject to the limitation of paragraph (1) of this subsection, the President may authorize the exchange between agencies or officials designated by him of information furnished by any person under this chapter as he deems necessary to carry out the purposes of this chapter. Nothing in this section shall be construed to require any Federal agency to disclose to any official exercising authority under this chapter any information or report collected under legal authority other than this chapter where disclosure is prohibited by law. Information collected pursuant to subsection (b)(2) of this section may be used only—

(1) for analytical or statistical purposes within the United States Government; or

(2) for the purpose of a proceeding under subsection (d) of this section or under section 3105(b) or (c) of this title.

No official or employee designated to perform functions under this chapter, including consultants and persons working on contracts awarded pursuant to this chapter, may publish or make available to any other person any information collected pursuant to subsection (b)(2) of this section in a manner that the person who furnished the information can be specifically identified except as provided in this section. No person can compel the submission or disclosure of any report or constituent part thereof collected pursuant to this chapter, or any copy of such report or constituent part thereof, without the prior written consent of the person who maintained or furnished such report under subsection (b) of this section and without prior written consent of the customer, where the person who maintained or furnished such report included information identifiable as being derived from the records of such customer.

(d) Penalty

Any person who willfully violates subsection (c) of this section shall, upon conviction, be fined not more than $10,000, in addition to any other penalty imposed by law.

(Pub. L. 94-472, § 5, Oct. 11, 1976, 90 Stat. 2062.)

§ 3105. Enforcement

(a) Civil penalty for failure to furnish information

Whoever fails to furnish any information required under this chapter, whether required to be furnished in the form of a report or otherwise, or to comply with any rule, regulation, order, or instruction promulgated under this chapter, may be subject to a civil penalty not exceeding $10,000 in a proceeding brought under subsection (b) of this section.

(b) Civil action for failure to furnish information

Whenever it appears that any person has failed to furnish any information required under this chapter, whether required to be furnished in the form of a report or otherwise, or has failed to comply with any rule, regulation, order, or instruction promulgated under this chapter, a civil action may be brought in an appropriate district court of the United States, or the appropriate United States court of any territory or other place subject to the jurisdiction of the United States, and such court may enter a restraining order or a permanent or temporary injunction commanding such person to furnish such information or to comply with such rule, regulation, order, or instruction, as the case may be, or impose the civil penalty provided in subsection (a) of this section, or both.

(c) Criminal penalty for failure to submit information

Whoever willfully fails to submit any information required under this chapter, whether required to be furnished in the form of a report or otherwise, or willfully violates any rule, regulation, order, or instruction promulgated under this chapter, upon conviction, shall be fined not more than $10,000 and, if an individual, may be imprisoned for not more than one year, or both, and any officer, director, employee, or agent of any corporation who knowingly participates in such violation, upon conviction, may be punished by a like fine, imprisonment, or both.

(Pub. L. 94-472, § 6, Oct. 11, 1976, 90 Stat. 2063.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3104 of this title.

§ 3106. Use of experts and administrative support services; compensation and travel expenses; use of available federal agency services, equipment, personnel, and facilities

(a) Any official designated by the President to carry out this chapter may procure the temporary or intermittent services of experts and consultants in accordance with the provisions of section 3109 of title 5. Persons so employed shall receive compensation at a rate not in excess of the maximum amount payable under such section. While away from his home or regular place of business and engaged in the performance of services in conjunction with the provisions of this chapter, any such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5 for persons in the Government service employed intermittently.

(b) Any official designated by the President to carry out this chapter may use, on a reimbursable basis when appropriate (as determined by the President), the available services, equipment, personnel, and facilities of any agency or instrumentality of the United States Government.

(Pub. L. 94-472, § 7, Oct. 11, 1976, 90 Stat. 2064.)

§ 3107. Consultations; creation of independent public advisory committees; review and annual report to Congress

(a) Officials performing functions pursuant to this chapter shall secure balanced, diverse, and responsible views from qualified persons representing business, organized labor, and the academic community and may, where appropriate, create such independent public advisory committees as are necessary to carry out the purposes of this chapter.

(b) It shall be the responsibility of the Council on International Economic Policy to review the results of any studies and surveys conducted pursuant to this chapter and report annually to the Committee on International Relations of the House of Representatives and the appropriate committees of the Senate on any trends or developments which may have national policy implications and which in the Council's opinion warrant the review of the respective committees.

(Pub. L. 94-472, § 8, Oct. 11, 1976, 90 Stat. 2064.)

EX. ORD. NO. 11962. ESTABLISHMENT OF PRESIDENT'S ADVISORY BOARD ON INTERNATIONAL INVESTMENT

Ex. Ord. No. 11962, Jan. 19, 1977, 42 F.R. 4323, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including section 8(a) of the International Investment Survey Act of 1976 (90 Stat. 2064, 22 U.S.C. 3107) [subsec. (a) of this section], and as President of the United States of America, in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), it is hereby ordered as follows:

SECTION 1. (a) There is hereby established the President's Advisory Board on International Investment, hereinafter referred to as the Board, which shall be composed of not more than fifteen members who shall be appointed by the President. Each member shall serve for a term limited to the remaining life of the Board as determined at the time of appointment.

(b) The President shall designate a Chairman and Vice Chairman from among the members.

SEC. 2. (a) Whenever requested, the Board shall advise the Executive Director of the Council on International Economic Policy, hereinafter referred to as the Executive Director, the Director of the Office of Management and Budget, and the heads of other agencies, with respect to matters relating to the performance of their functions under the International Investment Survey Act of 1976 (90 Stat. 2059, 22 U.S.C. 3101).

(b) In making its recommendations, the Board shall give due consideration to the usefulness of data to be collected as compared to the burden imposed on those who are to furnish the data [this chapter].

SEC. 3. (a) The Executive Director shall, to the extent permitted by law, provide administrative and staff services, support, and facilities for the Board.

(b) The Executive Director shall appoint an Executive Secretary for the Board.

SEC. 4. Members of the Board may be compensated for their services in accord with 5 U.S.C. 3109, and may, to the extent permitted by law, be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5702 and 5703) for persons in the government service employed intermittently.

SEC. 5. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (5 U.S.C. App. I), except that of reporting annually to the Congress, which are applicable to the Board, shall be performed by the Executive Director in accordance with guidelines and procedures established by the Office of Management and Budget.

SEC. 6. The Board shall terminate on December 31, 1978, unless sooner extended.

GERALD R. FORD.

§ 3108. Authorization of appropriations

To carry out this chapter, there is authorized to be appropriated $1,000,000 for the fiscal year ending September 30, 1978, and $1,000,000 for the fiscal year ending September 30, 1979.

(Pub. L. 94-472, § 9, Oct. 11, 1976, 90 Stat. 2064.)